

HEARING ON THE NOMINATION OF
MICHAEL S. REGAN TO BE ADMINISTRATOR
OF THE ENVIRONMENTAL PROTECTION AGENCY

HEARING
BEFORE THE
COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE
ONE HUNDRED SEVENTEENTH CONGRESS
FIRST SESSION
FEBRUARY 3, 2021

Printed for the use of the Committee on Environment and Public Works



Available via the World Wide Web: <http://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

43-814 PDF

WASHINGTON : 2021

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

THOMAS R. CARPER, Delaware, *Chairman*

BENJAMIN L. CARDIN, Maryland

BERNARD SANDERS, Vermont

SHELDON WHITEHOUSE, Rhode Island

JEFF MERKLEY, Oregon

EDWARD J. MARKEY, Massachusetts

TAMMY DUCKWORTH, Illinois

DEBBIE STABENOW, Michigan

MARK KELLY, Arizona

ALEX PADILLA, California

SHELLEY MOORE CAPITO, West Virginia,

Ranking Member

JAMES M. INHOFE, Oklahoma

KEVIN CRAMER, North Dakota

CYNTHIA M. LUMMIS, Wyoming

RICHARD SHELBY, Alabama

JOHN BOOZMAN, Arkansas

ROGER WICKER, Mississippi

DAN SULLIVAN, Alaska

JONI ERNST, Iowa

LINDSEY O. GRAHAM, South Carolina

MARY FRANCES REPKO, *Democratic Staff Director*

ADAM TOMLINSON, *Republican Staff Director*

C O N T E N T S

Page

FEBRUARY 3, 2021

OPENING STATEMENTS

| | |
|--|---|
| Barrasso, Hon. John, U.S. Senator from the State of Wyoming | 1 |
| Capito, Hon. Shelley Moore, U.S. Senator from the State of West Virginia | 3 |
| Carper, Hon. Thomas R., U.S. Senator from the State of Delaware | 5 |

WITNESSES

| | |
|--|-----|
| Burr, Hon. Richard, U.S. Senator from the State of North Carolina | 9 |
| Tillis, Hon. Thom, U.S. Senator from the State of North Carolina | 10 |
| Regan, Michael S., nominated to be Administrator of the Environmental Protection Agency | 11 |
| Prepared statement | 14 |
| Responses to additional questions from: | |
| Senator Carper | 17 |
| Senator Carper for Senator Booker | 20 |
| Senator Whitehouse | 22 |
| Senator Kelly | 23 |
| Senator Padilla | 26 |
| Senator Capito | 28 |
| Senator Capito for Senator Barrasso | 87 |
| Senator Capito for Senator Rounds | 94 |
| Senator Inhofe | 96 |
| Senator Cramer | 101 |
| Response to an additional question from Senator Boozman | 105 |
| Responses to additional questions from: | |
| Senator Wicker | 106 |
| Senator Sullivan | 108 |
| Senator Ernst | 110 |

ADDITIONAL MATERIAL

| | |
|---|-----|
| Family-Supporting Union Jobs Major Component of Biden's Climate Actions, AFL-CIO, January 27, 2021 | 132 |
| Obama's Last Three Years Of Job Growth All Beat Trump's Best Year, Forbes, February 7, 2020 | 133 |
| Letter to Senators Carper and Capito from the Agricultural Retailers Association et al., January 20, 2021 | 148 |
| Indigenous Women Call Upon Biden to Stop Pipelines and Uphold Indigenous Rights in the Wake of Escalating Climate Chaos and Covid-19 Crises, Women's Earth & Climate Action Network, January 14, 2021 | 160 |
| Biden Revokes Keystone XL, Indigenous Leaders Celebrate and Push for Stronger Action, the Indigenous Environmental Network, January 20, 2021 | 163 |
| NDN Collective Responds to President Biden Rescinding Keystone XL Pipeline Permit and Vow to Rejoin the Paris Agreement, the NDN Collective, January 21, 2021 | 165 |
| Debunking the Trump Administration's New Water Rule, Center for American Progress, March 27, 2019 | 168 |
| Will Keystone XL Pipeline Create Many Construction Jobs?, Live Science, August 7, 2013 | 173 |
| The Keystone XL Tar Sands Pipeline Is Still a Bad Idea, the Natural Resources Defense Council, January 23, 2017 | 177 |

IV

| | Page |
|---|------|
| Toyota, Fiat Chrysler drop support for Trump effort to bar California emis- sions rules, Reuters, accessed February 3, 2021 | 183 |
| Fact check: Did Biden ‘destroy’ 11,000 Keystone Pipeline jobs?, wral.com, January 25, 2021 | 186 |
| Statement congratulating Secretary Regan on his nomination, Duke Energy ... | 192 |
| Letter to Senators Carper and Capito from: | |
| The Chemours Company, February 2, 2021 | 193 |
| The Edison Electric Institute, February 2, 2021 | 195 |
| The National Cattlemen’s Beef Association, January 26, 2021 | 196 |
| The Outdoor Industry Association, February 2, 2021 | 197 |
| AmericanHort et al., January 27, 2021 | 199 |
| The Renewable Fuels Association, February 1, 2021 | 200 |
| The Rural Community Assistance Partnership, January 29, 2021 | 201 |
| The Alaska Salmon Habitat Information Program, February 5, 2021 | 202 |
| The Recycling Partnership, February 3, 2021 | 204 |
| The Theodore Roosevelt Conservation Partnership, February 3, 2021 | 205 |
| Letter to: | |
| President Joseph R. Biden, Jr., from Patrick Morrissey, West Virginia Attorney General, et al., January 27, 2021 | 206 |
| The members of the Committee on Environment and Public Works from the Chamber of Commerce of the United States of America, February 8, 2021 | 212 |
| Senators Charles E. Schumer et al. from the BlueGreen Alliance, Feb- ruary 2, 2021 | 213 |
| Senators Chuck Schumer et al. from the Alabama Rivers Alliance et al., February 2, 2021 | 215 |
| Senators Chuck Schumer et al. from the Evangelical Environmental Net- work, February 2, 2021 | 218 |
| Senator Carper from the Healing Our Waters—Great Lakes Coalition, February 2, 2021 | 220 |
| Senators Barrasso and Carper from PeopleForBikes, February 3, 2021 | 223 |
| Senator from the National Parks Conservation Association, February 1, 2021 | 224 |
| Senator from the National Religious Partnership for the Environment, February 8, 2021 | 226 |

HEARING ON THE NOMINATION OF MICHAEL S. REGAN TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WEDNESDAY, FEBRUARY 3, 2021

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The Committee met, pursuant to notice, at 2:04 p.m. in room 106, Dirksen Senate Office Building, Hon. Shelley Moore Capito (Chairman of the Committee) presiding.

Present: Senators Capito, Carper, Barrasso, Inhofe, Cramer, Braun, Rounds, Sullivan, Boozman, Wicker, Ernst, Lummis, Cardin, Whitehouse, Merkley, Gillibrand, Booker, Markey, Duckworth, and Van Hollen.

Senator CAPITO. I would like to call the Committee to order. I think we have an exciting day today. Any time that we are considering one of the President's nominees to an extremely important Cabinet position, it bears our not just great attention, but also our gratitude to folks who put their names in for public service. So we will get a lot into that today.

In finality, this is our Chairman's, Chairman Barrasso's final meeting, final showing in EPW. He will be moving over to Energy in a leadership position over there. He will also be leaving this Committee.

So it is with great sadness and regret that we know that you are leaving, Chairman Barrasso. We thank you so much for your years of service here, and certainly your leadership as Chairman of this extremely important Committee, particularly with that Transportation Bill last year.

So I am going to turn it over to you for some statements, and then we will proceed with the rest of the meeting.

OPENING STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR FROM THE STATE OF WYOMING

Senator BARRASSO. Thank you so very much, Senator Capito.

We are here today to consider the nomination of Michael S. Regan to be Administrator of the Environmental Protection Agency.

But before we begin with the formal proceedings, I see the two Senators from North Carolina are here to do introductions, I just want to start by saying a few words about our incoming Chairman, Tom Carper, and our incoming Ranking Member, Shelley Moore Capito.

For the past 4 years, it has been a pleasure to work so closely with both Senators Carper and Capito here on the Committee. Our partnership, the three of us, as well as other members of the Committee, resulted in two separate bipartisan water infrastructure laws that are going to create jobs and provide clean drinking water to communities, increase water storage in the West, prevent floods, replenish beaches on the coast, and help keep our economy moving.

We wrote comprehensive, historic highway infrastructure legislation that included hundreds of billions of dollars for America's roads and bridges. Our highway legislation cut red tape for important construction projects while also including the first ever—first ever climate title to protect our environment coming out of this Committee, as part of the Transportation Bill.

Senator Carper was my bipartisan partner on these efforts, and Senator Capito played a central and critical role in writing these bills, as she served as the Chair of the Infrastructure Subcommittee.

Our highway legislation passed the EPW Committee unanimously, 21 to zero.

Senator Carper and I also worked together to pass multiple laws to protect wildlife. The WILD Act is going to help spark groundbreaking conservation innovation and protect iconic species.

We also passed the America's Conservation Enhancement Act, also known as the ACE Act. The purpose, of course, was to combat invasive species, to address emerging wildlife diseases like chronic wasting disease, all while protecting livestock from predators. These bills were praised by farmers, hunters, anglers, conservation groups, environmentalists, and our home States.

Finally, we partnered to pass a historic environmental innovation law that will boost carbon capture technologies while also reducing greenhouse gases from our homes, our air conditioners, and our school buses. This Committee has served as a shining example of what can be accomplished when Democrats and Republicans work together. We agreed to follow Senator Enzi's 80-20 rule, and we worked where we could, and we found common ground repeatedly.

Bipartisan change is lasting change. It will make a big difference for a long time to come. We were able to work together to get things done for the American people.

Senator Carper, I sincerely want to thank you, thank your staff, for working with me over these past 4 years, and for your dedication to getting so very much done in a bipartisan and productive way. And I am very confident that that productive partnership is going to continue with Senator Capito as the top Republican on the Committee. As I have already said, she has played such a critical and crucial role in getting our infrastructure legislation across the finish line. She also was a leader when our Committee worked across party lines to address pollution from PFAS chemicals, a leader in that area, a priority for her and her home State.

So I know she will lead the Republicans on the EPW very well. This Committee is in very capable hands.

With that, I will turn the gavel over to Senator Capito to preside over the hearing.

Thank you to both of you.

**OPENING STATEMENT OF HON. SHELLEY MOORE CAPITO,
U.S. SENATOR FROM THE STATE OF WEST VIRGINIA**

Senator CAPITO. Thank you, Mr. Chairman. I appreciate your being here.

We have another former Chairman here as well, and then in probably 5 minutes, the soon to be Chairman. So I get to be a Chairman, too, so this is probably some historic number of Chairmen here.

Thank you again for your service to this Committee. I know you will do great work over on Energy, as you do everywhere. So thanks a lot, and thanks for enumerating some of the successes from last year.

I would like to give an opening statement, then I will turn to my Ranking Member, who is my Ranking Member for 10 minutes.

In any event, some of the successes I would like to talk about that we were able to achieve in this Committee over the last several years was when President Trump signed the USEIT Act, which supports carbon capture and utilization, and sequestration. It was a great bipartisan bill that Senator Whitehouse and Senator Barrasso and several of us on the Committee worked on together.

The Diesel Emissions Reduction Act, which is something we have been working for years, was passed. Another WRDA bill went through at the end of the year, which is always a good every 2 year exercise for all of us. And the American Innovation in Manufacturing, or the AIM Act, which will reduce emissions of HFCs used in air conditioning and refrigeration.

So that spirit of bipartisanship that we had last year I hope is one that we can, and I intend to certainly maintain and foster, and from our conversations, numerous conversations, I know, I feel as though Senator Carper feels the same way.

Our most pressing focus this Congress will be passing the 5 year Highway Bill. This is a tall order, but one where this Committee has already had a record of success. Senator Barrasso talked about it. We reported out the bill 21 to nothing last year, and I look forward to—and I think we are going to have quick work taking up the Highway Bill in this Committee. Because the importance, not just to our Nation's infrastructure, but also to our employment structure here; it is a jobs bill. It always has been, and it will remain that way, and at a time no more timely than the present. So I look forward to working with everybody because we must give our States the certainty.

With that optimistic introduction, I want to welcome our nominee for Secretary, Michael Regan, and his family here, the nominee for EPA Administrator, to our Committee today. I got to meet his wife and his very fun and smart young son, Matthew.

So congratulations on your nomination. I look forward to the opportunity to get to know you better, and discuss and work together into the future.

While I am encouraged by the continuing bipartisanship among members of our Committee, I am concerned by the direction that the Administration has taken in the first few weeks of office. I want to understand your position on these policies. We talked on the phone about this. President Biden did campaign on issues of unity, and there is no committee where we praise unity more, and

sometimes we have more disunity sometimes, than this Committee that we are sitting on.

The barrage of executive orders has particular concern for me. His decision on the Keystone XL pipeline has, I think, great impacts in the job markets. He has put us back in the Paris Agreement, which also has great impacts, both economically in this country, and his Administration has doubled down on the desire to financially support other countries' climate goals, while our own country, as we know, is facing economic challenges.

He has ordered agencies across the Federal Government to examine and uproot critical regulatory reforms, including several within the jurisdiction of the EPA, even without an administrator in place. Executive Order 13990 directs the EPA to consider suspending, revising, or rescinding major rules that were put into place by the Trump administration. Those rules include regulations on methane emissions; the safer, affordable fuel efficient vehicles rule, called the SAFER Rule; and the cost-benefit and science transparency policies.

In my view, I think that I see this as a foreboding of what happened in past Administrations. Coming from a State like West Virginia, it is a cautionary tale.

The fate of other rules, like the Affordable Clean Energy Rule, and the Navigable Water Protection Rule, which are important in all of our States, is something that I am sure we will be digging down on in this hearing. So I would like to say that it is hard to build back better as the President has said if we can't build anything. That is why I think the Executive Order 13990, which directs us to revisit the NEPA regulations, which we were encouraging to expedite infrastructure delivery, I think is also—could be, problematic.

So I think that the President has taken, he has talked, I mean, I was in the Oval Office with him on Monday as we talk a lot about bipartisanship and the need to work together. So I think that I am concerned about some of the appointments that the President has made where they are not in the purview of this Committee or any, really, congressional committee or congressional oversight. That of course would be Gina McCarthy and John Kerry. They have already established themselves as the unconfirmed and unaccountable czars on climate, as they made that very clear on Wednesday's White House press conference.

I am concerned that this is shaping up to be a third Obama administration. And as I enumerated, and I know I have talked with my friend, Senator Carper, about the impacts that that had on my State of West Virginia.

I am concerned about the leadership in the White House, with the czars, what kind of impacts will that have on you, should you be successful to become the EPA Administrator, what kind of impacts that will have on you as you carve your own course in conjunction with the Administration.

I would remind you, and I think I did on the phone call, that one of my objections to Ms. McCarthy is the fact that she wouldn't, at our invitation and many invitations, come to the home States of those Senators where had the most deep economic impacts of the Clean Power Plan. It still stings, I will say. I am hoping that we

can have a different outcome. You and I talked about this on the phone.

So I think as we look at that, and that is a balance, it is an achievable balance, but it is a balance. I think that the President and you also talk a lot about environmental and economic justice. But sometimes I question, where is the justice when it is not taken into consideration that many people are being plunged into poverty, unemployment, drug addiction, and hopelessness by some of the misguided policies.

So with that, I will turn this over to Senator Carper, who is in this particular meeting the Ranking Member. But I look forward to discussing this, and I look forward to having our two Senators after Senator Carper makes his opening statement.

Thank you.

**OPENING STATEMENT OF HON. THOMAS R. CARPER,
U.S. SENATOR FROM THE STATE OF DELAWARE**

Senator CARPER. Thank you, Madam Chair.

Most people remember January 6th as a day that will live in infamy, and the Capitol was stormed and overwhelmed by thousands of rioters; people died; in fact, we lost another Capitol policeman just this week, very sadly. Another, we are remembering another one who sits in state today in the Capitol.

The thing that I remember also about that day, and you may as well, Madam Chair, you may remember when the Senators had gathered, it was about noon on the 6th, and the idea was for Senators to walk through the Capitol down to the House chamber to begin the work of certifying the results from 50 States with respect to the election. We usually walk two by two, like Noah's ark. I asked Senator Capito if we could just walk together, and she graciously said yes, and we did.

Along the way, we talked. I hope you remember this; I certainly do. We talked about a common agenda that we can work on together. The idea was that we can have cleaner air, cleaner water, address climate change, and create jobs, a lot of economic opportunity, including in places like West Virginia, my native State. I found it a very encouraging conversation.

I am also encouraged by the words of Senator Barrasso, a good friend and good partner over the last several years on this Committee. He has a close friend from Wyoming who ended up being Assistant Secretary of the Interior, Rob Wallace.

Rob Wallace sat right there in our hearing a couple of years ago for his confirmation hearing to go to the Department of Interior. Some of you may remember when Rob Wallace was reminded of the bipartisan nature of this Committee, the way we work, whether the Chair is Jim Inhofe or Shelley Capito or Tom Carper or John Barrasso, that is the way we have traditionally worked.

That is the way I want to see us continue to work. Rob Wallace said these words, I will never forget, I have used them hundreds of times since. He said, "Bipartisan solutions are lasting solutions." That is what he said, bipartisan solutions are lasting solutions. That is true in this Committee, and God willing, it will always be true.

I just want to say a special thanks to two Senators from North Carolina; Richard, welcome; Tom, welcome. We are delighted that you are both able to be here. It is very good of you to come.

I also want to say, we are gathered here, first of all, Melvina, would you raise your hand? I feel like we are on a football field here.

Matthew, would you stand up? Matthew, how are you doing, buddy? Welcome, thank you so much, both of you, for being here, to be with your husband and be with your dad.

We are gathered here today to consider the nomination of Michael Regan to serve as the Administrator of the Environmental Protection Agency. It reminds me a little bit of what we used to do in the Navy, we had hail and farewell events several times a year, for those who were coming in to join us for my squadron or those who were leaving.

We are welcoming some new folks on our side. I think Senator Stabenow and Senator Kelly, Padilla are joining us here. We are saying goodbye, though, to Senator Gillibrand, Senator Booker, and Senator Van Hollen. And I just learned here today we are saying goodbye to our friend John Barrasso, which I did not see coming. I am surprised to hear that, and disappointed.

I want to thank John for his leadership over the past 4 years. It has been a joy working with him and his staff, led by Richard. I want to thank Mary Frances over here. She and Richard made a good team. We got so much done, so much done, very, very proud of what we accomplished by working together.

I also want to thank you, Madam Chair, and your staff, for your assistance in bringing this hearing together today. I want to congratulate you on your new leadership positions, both of them, one more short term than the other.

[Laughter.]

Senator CARPER. As we discussed last month on January 6th, and as recently as last week, there is a lot of important work ahead for our Committee. I very much look forward to working together as partners in tackling the challenges facing our Nation and our planet.

With that, I want to warmly welcome our nominee, Mr. Regan, and thank him for being here with us today, and also his wife, Melvina and his son, Matthew.

I want to thank your wife and our son not just for them being here, I just want to thank you for your willingness to share your husband and our dad with our country. This is really important work. This is going to help determine what kind of planet we live on, and Earth we have, the quality of our life in the days to come. So thank you for sharing him, as you have already shared him with the people of North Carolina.

As we know, Mr. Regan and his family hail from the State of North Carolina, birthplace of my wife, Martha, who Michael may recall is a graduate of Appalachian State University, where her dad taught math and physics for 40 years. She sends her very best wishes to you and your family on this special day, Michael.

Martha and I had the privilege of meeting Michael about a year ago. As I have gotten to know him in time since then, I have become convinced that he is the right person to lead the Environ-

mental Protection Agency during this critical time in our Nation's history. He is a man of deep faith, who believes, as I think all of us do, that we have a moral obligation to be good stewards of this planet on which we live.

I believe that Michael Regan is someone who can help unite us in a common purpose, as we respond to the climate crisis we face as well, as to clean our air, our water, and strive to make sure that we don't leave some of our communities and neighbors behind in the effort to do so.

Currently, Mr. Regan serves as the secretary of North Carolina's Department of Environmental Quality, a role where he has demonstrated over the past 4 years the power of effective leadership in improving the quality of the air North Carolinians breathe, and their neighboring States as well, and the water they drink.

For proof of this, we need only look at some of his accomplishments during his tenure there. They include leading the negotiations that resulted in the cleanup of Cape Fear, not far from where my wife, Martha, lived and worked when she was getting out of college.

He also negotiated and oversaw what is considered to be the largest coal ash cleanup settlement in I think the history of the United States. He created North Carolina's first ever Environmental Justice and Equity Advisory Board.

Mr. Regan has been able to do these things and much more by bringing people together in common cause while never compromising on his principles. Again, the presence of Senators Burr and Tillis here bear testimony to that, and again, we welcome each of you to this hearing.

In the Tarheel State, Michael Regan developed a reputation as a leader who works with Democrats and with Republicans to forge practical solutions, solutions that protect the air we breathe, the water we drink, while supporting job creation and economic growth. As we struggle to put this current recession behind us, that kind of leadership is what need now more than ever at EPA.

It is no secret that the next EPA Administrator has his work cut out for him. In addition to addressing the serious environmental issues that are affecting Americans, the next EPA Administrator will also be tasked, along with the members of this Committee, to help him rebuild an agency badly damaged at times in recent years by flawed leadership and an agency suffering from organizational drift, and for the most part, low morale. One of the keys to accomplishing this will be restoring scientific integrity as a foundation of policymaking at EPA. Michael Regan understands that well.

The men and women of EPA need to work with purpose and with dispatch to address the climate crisis facing our Nation and our planet. It is real; the threat it poses to our planet is growing worse, not better. The EPA team can do so in part by working with the U.S. Department of Transportation, the auto industry, and others to restore vehicular greenhouse gas emissions standards.

As you know, we have had some encouraging developments there, especially with mobile sources, the auto industry reaching out and saying, we want to be part of the solution. I am very much encouraged by that, just in the past week.

The EPA team also needs to implement our new HFC phase down law and the Toxic Substance Control Act, both authored by members of this Committee. As well as to reverse and replace the oil and gas methane rules and begin work on the next phase of climate rules for power plants, vehicles, and refineries.

In addition, EPA needs to ensure cleaner air by reestablishing the legal basis for Mercury and Air Toxic Standards. And it must better protect human health, as North Carolina has already done, by taking action on certain so called forever chemicals, such as PFOA and PFAS, that also foul the groundwater of States like West Virginia, Delaware, and hundreds of other communities across America. Moreover, in doing this work, EPA must curb the influence of special interests within its scientific advisory bodies.

Our new President is calling on Americans to Build Back Better. To do that, we will need to redouble our efforts to address the climate crisis, safeguard our air and our water, as well as our other natural resources and ensure environmental justice in all of our communities. We must rebuild our infrastructure, roads, highways, bridges, water, wastewater, access to broadband, those are just some of the parts of our infrastructure that need to be rebuilt. They shouldn't be partisan issues; they ought to be bipartisan issues. I think they will be. Most of those are within the purview of this Committee.

That does not diminish how hard it is going to be; it is going to be a challenge. The challenges are daunting. But if we do it together, we will succeed.

I believe that Michael Regan is the partner we need at EPA to do these things. He has a good heart and a good mind. He knows how to assemble, retain, and inspire a team of talented men and women. He has what it takes to help us make progress on many fronts as we seek to protect our planet and its inhabitants while creating a more nurturing environment for job creation and job preservation at the same time. That is why President Biden has nominated him for this important position.

So, Mr. Regan, welcome. Thank you for appearing before us this afternoon and for your willingness to serve our Nation as we take on some of the most serious challenges in our history. We look forward to hearing from you today, and if confirmed, to working with you and those you will lead in the years to come.

Before I turn it over to Senator Capito, let me close with these words of Albert Einstein. Albert Einstein used to say, "In adversity lies opportunity." Think about that. In adversity lies opportunity. There is no doubt that we face plenty of adversity in this country and on this planet as we gather here today, but along with that adversity comes extraordinary opportunities to do great things for the people whom we are privileged to represent, along with our neighbors, whether those neighbors live on the other side of the street, on the other side of town, or on the other side of the world.

Again, thank you all for giving me a chance to serve with you. I am thrilled that we are here for this day. Thank you all.

Senator CAPITO. Thank you, Senator Carper. Thank you for the kind words, and I certainly look forward to our serving together at the helm of this Committee.

Now, I am very honored to have both home State senators here from North Carolina, and I would like to recognize Senator Burr for an introduction of our nominee.

**STATEMENT OF HON. RICHARD BURR,
U.S. SENATOR FROM THE STATE OF NORTH CAROLINA**

Senator BURR. Madam Chairman, thank you very much.

Chairman soon to be, thank you. I didn't think we would make history today at this hearing, but I think this probably will be the shortest chairmanship in the history of the U.S. Senate.

[Laughter.]

Senator BURR. And Senator Tillis and I were talking, where you have the witnesses positioned in the room, this is sort of like looking at Russia from Alaska. I am sorry Senator Sullivan left. It is hard to see all that way.

I appreciate the opportunity to come before the Committee today to introduce Secretary Michael Regan as you consider his nomination to be Administrator of the Environmental Protection Agency. It is always a pleasure to introduce someone from your own State, especially one with whom I have had the opportunity and the pleasure of working and who is extremely, extremely qualified for this position.

Secretary Regan is a proud North Carolinian, born and raised in Goldsboro, North Carolina, by his parents, Zeb and Mavis, along with his brother and sister. Both of his parents were public servants, with his mother working as a nurse for over 30 years, and his father served in Vietnam and continued to serve in North Carolina in the National Guard until his retirement as a colonel. It is clear that his parents instilled not only the values of public service, but also a love affair with the outdoors, including hunting and fishing. That continues to this day. I could say a passion we both share.

While attending North Carolina A&T, Michael met his beautiful wife, Melvina. Melvina is likely the real star of the family, having graduated from North Carolina A&T along with a master's from Radford University. She currently works in the Research Triangle Park. She has managed all of that while also raising their son, Matthew.

Michael, after graduating from North Carolina A&T, where we share in common a very good friend in the chancellor, Harold Martin, with a degree in environmental science, Michael began an internship with the EPA at the Research Triangle Park campus. This was only a start, because he stayed with the EPA for over 9 years, working in various offices and gaining policy experience while also completing a master's in public administration from George Washington University.

Following his initial tenure with the EPA, he served as associate vice president for clean energy and southeastern regional director for the Environmental Defense Fund. With his stellar resume, Mr. Regan was tapped by Governor Cooper in 2017 to serve as the Secretary of the North Carolina Environment and Quality. As the Committee evaluates his nomination, I believe his tenure in North Carolina can tell many of you much about how he will approach

our shared desire for clean air and water with the need to ensure we do not unnecessarily limit economic opportunities.

North Carolina is blessed by beautiful coastlines and mountains as well as some of the most fertile agricultural lands in this country. As Secretary of the State's Department of Environmental Quality, Secretary Regan was able to find the right balance by reaching out to stakeholders and ensuring that the Department's relationship with rural communities, whose lifeblood is agriculture, was constructive and not adversarial.

To underscore this, Secretary Regan's nomination is supported by over 20 of the largest agricultural organizations in the country. These organizations and their State associations understand that they are not always going to agree with every decision handed down by the EPA. But they know and trust they will receive a fair hearing.

It is my belief that Secretary Regan will bring the same qualities, experiences, and values of environmental stewardship while balancing the needs of rural communities to this new role as Administrator. On top of that, let me say this. Michael is a good man. He is a good husband. He is a great father. I look forward to supporting his nomination on the floor.

I thank the Chair.

Senator CAPITO. Thank you, Senator Burr.

Senator Tillis, would you like to join in that rousing introduction?

**STATEMENT OF HON. THOM TILLIS,
U.S. SENATOR FROM THE STATE OF NORTH CAROLINA**

Senator TILLIS. Madam Chair, for the moment, and incoming Chair in a matter of moments, thank you for letting me be here with my friend and colleague, Senator Burr, to introduce Michael Regan.

I am not going to cover some of the ground that Senator Burr did so well, except to say that Secretary Regan is somebody that I have tracked. I have a history in North Carolina, I was speaker of the house down there. We took up some of the thorny issues of coal ash, and passed legislation back when I was speaker of the house. So I got to see some of that come to life in a Republican administration, and then continue to grow in a Democratic administration under Governor Cooper.

I will tell you that in the time after his nomination was put forth, I have spent a lot of time talking to people in North Carolina, people in the agriculture sector, people in the energy sector. And what they all said to a person is that Michael distinguished himself as somebody who listens and someone to try to take in the input from both sides and come up with a fair outcome. And that is why I believe that he does have the support of over 23 national leading organizations, not only in agriculture, but in the business community.

We have to understand that the election produced a different leader down in the White House. We can't imagine as Republicans that we are necessarily going to have a President with the same priorities as ours, but what we can hope for are people in the Administration who have a track record of listening and trying to

come up with a sustainable outcome, as Ranking Member Carper said, trying to produce something that has enduring value. I believe that Michael will go to the EPA, he will be fair, he will listen.

He will sometimes take on initiatives that I will disagree with, most likely vote against. But I do believe that he will be somebody that we can rely on to be fair with the reality of the change and the transition.

So I want to thank him for being here today. I want to thank him for his years of service and thank him in advance for the tough job that he is about to take on.

I also want to welcome Melvina and Matthew. Matthew, if this hearing goes long, I am right across the hallway, so you can come visit with me. I'll bring you a goodie bag over here with some North Carolina treats while you are waiting here.

But I really hope that you all will listen to him today, ask him the tough questions that we should ask, the things that we as Republican members are concerned with. But at the end of the day, I think we have a great, well qualified nominee before us. I encourage your support.

Thank you, Madam Chair.

Senator CAPITO. Thank you.

I thank both of you, and thank you for reminding everybody that this is going to be the shortest Chairmanship on record. I appreciate that.

[Laughter.]

Senator CAPITO. I would like to introduce our nominee to the Committee.

If you would like to change places, we will wait a few minutes, Mr. Regan.

Thank you.

I would like to, as I said, bring Michael Regan, nominated to be the Administrator of the Environmental Protection Agency, which he is ready to testify. I want to remind you that your full written statement will be made a part of the record. I look forward to hearing your testimony.

But before you begin, I am sure you would like to do this, and I look forward to this, would you like to introduce your family or anyone else that is with you today?

STATEMENT OF MICHAEL S. REGAN, NOMINATED TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

Mr. REGAN. Thank you, Madam Chairwoman.

I think they have been introduced adequately, but I would like to say that I do have my beautiful wife, Melvina, with me today, and my son, Matthew. I am extremely grateful to have both of them.

Senator CAPITO. And I am sure you have a lot of family and friends who are tuning in right now, too. I am sure they extend their best wishes to you.

So if you want to go ahead, proceed with your testimony, we are all ears.

Mr. REGAN. Thank you, Madam Chairwoman Capito and Ranking Member Carper, and members of this Committee.

I am grateful for your time this afternoon and our shared commitment to protecting our environment, our communities, and our economy. I have dedicated my career to public service, and I appreciate the opportunity to highlight my qualifications and my passion for environmental stewardship, public health, and economic prosperity.

I want to thank Senator Burr and Senator Tillis for their kind words and very strong introduction. I want to thank President Biden for nominating me and trusting me to lead this important agency during this vital time in our Nation's history.

Again, I want to especially thank my wonderful and beautiful wife, Melvina, whom I am blessed to have as a partner in life, as we navigate life together, my son Matthew, who I am extremely proud of, and consider it a privilege to be his dad. Together, we prayed as a family before I accepted this nomination, and we are so proud to take on this assignment. I am grateful for their support.

For the last 4 years, I have proudly served as the Secretary of the North Carolina Department of Environmental Quality, working to provide all North Carolinians with cleaner air and cleaner water while nurturing our State's economy. I fell in love with the outdoors growing up in eastern North Carolina, hunting and fishing with my father and grandfather. Those beautiful waters and those lands are legacies that they were proud to share with me.

But they also taught me that protecting them was my responsibility as well. Like millions of Americans living in rural communities, preserving our natural resources isn't something just to balance with the economy. It is essential for economic growth, along with protecting public health and our way of life.

Careful stewardship of the environment is more than just passing down traditions to the next generation. It is about learning from the past and being prepared to combat the challenges that our future generations will face.

Both of my parents were dedicated public servants. My mother, a nurse for close to 30 years, the best nurse in Wayne County. My father served his country in Vietnam, worked for the North Carolina Agricultural Extension Service for years, and ultimately retired as a colonel with the North Carolina National Guard.

So obviously, after graduating from North Carolina Agriculture and Technical State University with a degree in environmental science, I knew I wanted to find a way to serve. That led to my first summer internship at EPA. I spent nearly 10 years at EPA under Presidents of both parties. It is an honor of a lifetime to be invited back.

Throughout my career, I have learned, if you want to address complex challenges, you must be able to see them from all sides, and you must be willing to put yourself in other people's shoes. The best way to do that is by convening stakeholders where they live, where they work, and where they serve, fostering an open dialogue rooted in the respect for science, a clear understanding of the law, and a commitment to building consensus with pragmatic solutions.

I have also learned that we can't simply regulate our way out of every problem we face. This approach has proven to be effective in my tenure as Secretary of DEQ. We have tackled the adverse im-

pacts of hog farms, cleaned up toxic PFAS pollution in our rivers, and reached the largest coal ash settlement in U.S. history.

I will never forget looking into the eyes of Amy Brown, the mother of two boys, as she told me she had not let her sons play in the bathtub or in the pool in the back yard for years, because they were required to live on bottled water after the Dan River coal ash spill.

That night, as I gave my son Matthew his bath, with fresh tap water, I vowed that this story would have a happier ending for Amy Brown and her two sons. And we did just that; by following the science, following the law, bringing industries together with the impacted communities, not as adversaries, but as stakeholders working together for real solutions.

In North Carolina, we are moving beyond the old argument that we have to pit creating jobs against protecting the environment. We have demonstrated that you can do that from the North Carolina mountains to the Old North State's coast.

President Biden has said, confronting climate change presents an unprecedented economic and jobs opportunity. In North Carolina, we have seized that opportunity, partnered with private sectors to provide opportunities and regulatory certainty, and harnessing our strength in manufacturing, innovation, and research, which has resulted in the creation of tens of thousands of new jobs in North Carolina.

If confirmed, I will work with the entire Administration to build and strengthen that partnership, to power America's economy with cleaner energy and create millions of good paying middle class jobs. Our priorities for the environment are clear: We will restore the role of science and transparency at EPA. We will support the dedicated and talented career officials.

We will move with a sense of urgency on climate change, and we will stand up for environmental justice and equity. We will do that in a collaborative manner, in partnership with State and local governments, who know their own communities better than the Federal Government ever could.

We will work transparently and responsibly with industries eager to establish clear, consistent rules of engagement. And we will engage working Americans whose voices have been absent from these conversations about our environment for far too long.

Last but not least, we will work to do this in partnership with Congress, leveraging your expertise and concerns for your constituents as we build healthier communities through environmental stewardship and economic growth.

We all have a stake in the health of our environment, the strength of our economy, the well being of our communities, and the legacy that we will leave the next generation in the form of the Nation's natural resources. While those values may not unite us on every single policy question, I think it is a solid foundation for a successful partnership.

I look forward to building on that foundation with you if confirmed, and I look forward to answering any questions that you might have for me today.

Thank you.

[The prepared statement of Mr. Regan follows:]

Statement of Michael S. Regan
Nominee for the Position of Administrator of the
United States Environmental Protection Agency
Before the
Committee on Environment and Public Works
United States Senate
February 3, 2021

Thank you, Chairman Carper, Ranking Member Capito, and Members of the Committee. I am grateful for your time this afternoon and our shared commitment to protecting our environment, our communities and our economy. I have dedicated my career to public service, and I appreciate the opportunity to highlight my qualifications and passion for environmental stewardship, public health, and economic opportunity.

I want to thank Senator Burr and Senator Tillis for their kind words of introduction. I want to thank President Biden for nominating me and trusting me to lead this important Agency during such a vital time in our nation's history. I especially want to thank my wonderful wife Melvina, who I am blessed to have as a true partner as we navigate life together and my son Matthew who I am so proud of and consider it a privilege to be his dad. Together, we prayed as a family before accepting this nomination and we are so proud to take on this assignment. I am grateful for their support.

For the last four years I have served as the Secretary of the North Carolina Department of Environmental Quality (NCDEQ). It is an honor to serve the great people of my home state, working to provide all North Carolinians with cleaner air and water while nurturing our state's economic growth.

I fell in love with the outdoors while growing up in eastern North Carolina, hunting and fishing with my father and grandfather. Those beautiful waters and land are a legacy they were proud to share with me, but also taught me that protecting them was my responsibility as well.

My father and grandfather used to say that farmers are the original conservationists. Like millions of Americans living in rural communities, preserving our natural resources isn't something to balance with economic growth. It's one of the keys to economic growth, along with protecting public health and our way of life.

It wasn't long before I truly understood that careful stewardship of our environment is more than just passing down traditions to the next generation. It's about learning from the past and being prepared to combat the challenges that future generations will face.

Both of my parents were dedicated public servants. My mother was a nurse for close to 30 years. My father attended North Carolina Agricultural & Technical State University, served his country in Vietnam, worked for the North Carolina Agricultural Extension Service for years, and ultimately retired as a Colonel with the North Carolina National Guard.

After graduating from my father's alma mater with a degree in environmental science, I knew I wanted to find a way to serve and that led to my first summer internship with the EPA. I spent nearly ten years working at EPA under presidents of both parties, and it is the honor of a lifetime to be asked to return.

Throughout my career, I've learned that if you want to address complex challenges, you must first be able to see them from all sides and you must be willing to put yourself in other people's shoes.

The best way to do that is by convening stakeholders where they live, work and serve, fostering an open dialogue rooted in a respect for science, a clear understanding of the law, and a commitment to building consensus around pragmatic solutions. I have also learned that we can't simply regulate our way out of every problem we face.

This approach has proven to be effective during my time as the Secretary of DEQ. We've tackled adverse impacts from hog farms, cleaned up toxic PFAS pollution in our rivers, and reached the largest coal-ash cleanup agreement in U.S. history.

I will never forget looking into the eyes of Amy Brown, the mother of two boys, as she told me she could not let her sons play in the bathtub or the pool in the backyard for years because they were required to live on bottled water after the Dan River coal ash spill. That night as I gave my son Matthew his bath with fresh tap water, I vowed this story would have a happier ending for Amy and her two sons. We did that by looking at the science, following the law and bringing industries together with the affected communities – not as adversaries but as stakeholders working together for real solutions.

In North Carolina, we are moving beyond the old argument that we must pit creating jobs against protecting the environment. We've demonstrated that you can do this from the mountains to the coast and everywhere in between. These two values are not mutually exclusive, they can go hand in hand.

President Biden has said that confronting climate change presents an unprecedented economic opportunity. In North Carolina, we've seized that opportunity, partnering with the private sector to provide regulatory certainty and harnessing our strength in manufacturing, innovation, and research which resulted in the creation of tens of thousands of much-needed new jobs. If confirmed, I will work with the entire Administration to build and strengthen those partnerships to power America's economy with cleaner energy and create millions of good-paying middle-class jobs.

This Administration's priorities for environmental protection are clear. We will restore the roles of science and transparency at EPA, and support the talented, dedicated career officials. We will move with a sense of urgency on climate change. We will stand up for environmental justice and equity.

And we will do it in a collaborative manner, in partnership with state and local governments who know their own communities better than the federal government ever could. We will work transparently with responsible industries eager to establish clear, consistent rules of the road. We will collaborate with innovative businesses well-positioned to help solve problems. We will engage working Americans whose voices have been absent from the conversation about our environment for too long. And, finally, we will do this work in partnership with Congress, leveraging your expertise and concerns for your constituents as we strive to build healthier communities through environmental stewardship and economic growth.

We all have a stake in the health of our environment, the strength of our economy, the well-being of our communities, and the legacy we will leave to the next generation in the form of our nation's natural resources.

And while those values may not unite us on every single question of policy, I think it's a pretty solid foundation for a successful partnership.

I look forward to building upon that foundation with you all, if confirmed, and to answering your questions today.

Senate Committee on Environment and Public Works
Hearing entitled, “Hearing on the Nomination of Michael S. Regan to be Administrator of
the Environmental Protection Agency.”
February 3, 2021
Questions for the Record for Michael S. Regan

Senator Carper:

1. When former President Trump thought about climate change, he thought hoax, not jobs. As a result, the Trump EPA was blind to policies that were good for our climate and economy. For example, automakers and states called on the Trump EPA to implement a “50-state solution” on fuel economy and greenhouse gas tailpipe standards that achieve meaningful climate, clean air and economic benefits. Instead, the Trump EPA implemented an illegal regulation that took away state authority, increased consumer costs, increased pollution, and provided uncertainty for car manufacturers. Thankfully, when President Biden thinks about climate change, he thinks jobs and has already directed EPA to take another look at the vehicle standards. The President believes, as I do that we can reduce the largest source of climate pollution and help American automakers innovate, create jobs and compete in the global market.
 - a. Will you commit that, if confirmed, you’ll make it a priority to find an agreement between the automakers and states and start those discussions as soon as possible?
 - b. I believe the California Framework program agreed to by California and 5 automakers could serve as a logical starting point for negotiations on a near-term federal solution. It would seem that a collaborative approach with automaker support could set our nation on an accelerated path for reducing emissions, provide more regulatory certainty, and help build a robust market for electric vehicles as we transition to a zero-carbon transportation future. What are your thoughts on this approach?

RESPONSE: President Biden has said confronting climate change presents an unprecedented economic and jobs opportunity, and I agree. The light duty vehicle standards will play an important role in that effort. President Biden’s *Executive Order 13990: Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* lays out a clear timeline for the Agency’s review of the Trump Administration’s actions. If confirmed, I will work with EPA staff, states, the automobile industry, labor, and other stakeholders to consider a range of views, including the California approach, on how to set ambitious light duty standards.

2. Will you commit that, if confirmed, you will support the President’s direction to the State Department to send the Kigali Amendment to the Montreal Protocol to the Senate for ratification?

RESPONSE: While I have read the law and look forward to implementing it, I have not had the benefit of being briefed by EPA staff on the American Innovation and Manufacturing (AIM) Act and its relationship with the Kigali Amendment. If confirmed, I will confer with EPA staff on that question.

3. Will you commit, if confirmed, to working with downwind states, like Delaware, who are still suffering from cross-state air pollution from upwind states?

RESPONSE: I too dealt with this issue in North Carolina and I understand the impacts of transport. You have my commitment to work with states on this issue.

4. Methane is a greenhouse gas with 80 times the planet-altering power of carbon dioxide in the near-term. The oil and gas sector contributes to the climate crisis by venting and flaring natural gas with methane, and through unintentional leaks in aging infrastructure. President Biden directed EPA through executive action to act on oil and gas methane emissions. Will you commit, if confirmed, to quickly review and revise, if necessary, the existing methane oil and gas New Source Performance Standards, entitled: "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration," 85 Fed. Reg. 57398 (September 15, 2020)?

RESPONSE: If confirmed, I look forward to convening all parties relevant to this discussion to forge a path forward on methane emissions. The process will be transparent, and the Agency's decision will be based on the best science, engineering, and data available and informed by robust engagement with states, tribes, and other stakeholders.

5. EPA has not effectively implemented the PFAS action plan, which it released two years ago. For example, no legal limit for PFAS in drinking water has been set. Also, EPA has delayed key studies on the toxicity of PFAS. It has also failed to set standards under the Clean Water Act, which would prevent industries from releasing high levels of PFOA/PFOS into the nation's waterways, and it has failed to designate PFOA and PFOS as hazardous substances under Superfund, which would initiate the cleanup process at the most contaminated sites. Will you pledge to implement all the steps articulated in the PFAS Action Plan?

RESPONSE: President Biden has highlighted the importance of and his commitment to tackling PFAS pollution and protecting public health and the environment, especially for those communities most heavily impacted and vulnerable to such pollution. If confirmed, I am committed to making addressing PFAS a top priority for EPA, as I did in my position as Secretary of the North Carolina Department of Environmental Quality (NCDEQ). I will discuss the PFAS Action Plan with EPA staff and will consider their advice to determine the appropriate path forward.

6. The last two EPA Administrators have promulgated rules that misrepresent the state of the science in order to achieve a pre-determined political outcome. The violations of

scientific integrity will manifest as real-world harms to our environment and human health. There are two keys to restoring trust in EPA: an agency-wide commitment to EPA's written scientific integrity policy, and a scientific integrity officer who is empowered to do their job. Will you support a process for making sure new and existing EPA employees are fully aware of their rights and responsibilities regarding the conduct of scientific research, publication of scientific research, communication with the media and the public regarding scientific research? Will you commit to meet with the EPA Scientific Integrity Officer on a regular basis and seek status reports on her observations?

- a. Under the Trump administration, the scientific integrity officer could not act on serious violations of the scientific integrity policy, because it was the political appointees to whom she reported to that committed the violations. Will you work with the scientific integrity officer to explore amendments to agency rules and procedures, as well as work with Congress to explore any necessary changes to law, to ensure that political appointees in the current and future administrations do have not the ability to effectively overrule or stymie the findings of the scientific integrity officer?

RESPONSE: President Biden has already taken executive action to restore scientific integrity and evidence-based policymaking across the federal government. The President's Presidential Memorandum on Scientific Integrity and Evidence-Based Policymaking directs agencies to make evidence-based decisions guided by the best available science and data, which are central to sound policy. This Memorandum sends a clear message that the Biden-Harris Administration will protect scientists from political interference and ensure they can think, research, speak, and publish freely to provide valuable information and insights to the American people. If confirmed, I commit to implementing this vision at EPA and considering any recommendations the Agency's career scientific integrity officials have for how to strengthen scientific integrity at EPA.

7. Will you commit to investing significant budgetary resources to achieving changes at the agency to advance environmental justice?
 - a. How will you address the cultural changes needed at the agency in enforcement, permitting and regulation to address environmental injustices?

RESPONSE: President Biden has made a commitment to environmental justice and equity as cornerstones of his agenda. Securing environmental justice for communities most overburdened by pollution will be a priority for me if I am confirmed as EPA Administrator. My first stint at EPA was focused on environmental justice and equity issues. I established the first environmental justice and equity advisory board in North Carolina, bridging environmentalism and civil rights to find solutions for our fence line and disproportionately impacted communities. If confirmed, I will work with EPA staff and Congress to increase resources to address environmental justice; integrate environmental justice across all EPA policies, actions, and program implementation in accordance with

presidential executive orders and directives; and ensure the federal civil rights laws are enforced. I look forward to partnering with you and Congress so that we can be sure that where we have gaps in our laws and regulations, we can rectify and address inequities to ensure all Americans have access to clean air, clean water, and healthy communities.

8. As I mentioned during your February 3, 2021 nomination hearing, the Trump EPA created great uncertainty in the Renewable Fuel Standard (RFS), which sets mandates on the amount of biofuels that are to be blended into our transportation fuels. In your testimony, you mentioned that under your leadership, if confirmed, EPA would focus more on transparency when it comes to implementing the RFS program. This is welcomed news since I've encouraged EPA to take this step for years. However, I am concerned that you may only be focused on transparency when it comes to the small refinery waiver process and not the entire program. I remain concerned about the volatility in the RFS compliance trading system used by EPA, known as the Renewable Identification Number (RIN) market. I continue to believe market transparency and business certainty, which includes processing biofuel applications in a timely manner and issuing the renewable volume obligations in a timely manner, is a big part of the solution to addressing the volatility. If confirmed, will you commit to reviewing and implementing, if necessary, transparency measures across the RFS program?

RESPONSE: If confirmed, I will confer with my legal and policy team to understand all of the options before me regarding the RFS program, and in this specific case, what steps can be taken to improve transparency and provide for more regulatory certainty throughout the RFS program.

9. Under the Trump Administration, EPA attempted to weaken the legal authority for the Mercury and Air Toxics Standard (MATS), which regulated air toxics from power plants. Stakeholders did not want EPA to take this action and yet EPA did. In doing so, it created great uncertainty in terms of reducing mercury and other air toxics from our nation's largest sources of air toxics and reduced business certainty for the entire power sector. If confirmed, do you commit to reviewing the action by the Trump EPA to undermine the Mercury and Air Toxics Rule?

RESPONSE: President Biden's *Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* directs EPA to review this rule "as soon as possible." If confirmed, I will confer with my legal and policy team to understand all options before me regarding MATS. I am committed to fulfilling EPA's mandate to protect public health and the environment while providing regulatory certainty to regulated entities.

Senator Carper for Senator Booker:

10. An issue that is critical from an environmental justice perspective is revisiting the rule that EPA recently finalized that refused to lower the National Ambient Air Quality Standard for Particulate Matter. PM2.5 levels are disproportionately higher in Black

communities, and PM2.5 is disproportionately killing Black people. EPA scientists recommended lowering the PM2.5 standard but EPA, under the Trump Administration, ignored the scientists.

- a. If confirmed, will you take a close look at this rule and consider following the scientific consensus and lowering the threshold for this deadly air pollutant, Particulate Matter?

RESPONSE: President Biden has made a commitment to environmental justice and equity as cornerstones of his agenda. Securing environmental justice for communities most overburdened by pollution will be a priority for me if I am confirmed as EPA Administrator. In accordance with the direction given to me by President Biden, and with the guidance of EPA's experts, I will look at a range of rules promulgated by the previous Administration and determine what steps are necessary to protect all Americans from the adverse impacts of PM2.5 exposure. This has taken on a greater urgency given new evidence tying long-term exposure to fine particles, which can increase the risk of heart disease and asthma, to greater incidence of COVID-19 morbidity and mortality.

11. Under TSCA, the EPA should be prioritizing the protection of communities, including fence-line communities, that experience greater exposure to chemicals, greater health risks from exposure or both. And, the agency should actively engage these communities when identifying which chemicals are of the greatest concern, assessing the risks they pose, and how to protect against those risks.

- a. If confirmed, will you use your full authority under TSCA to work with these communities to identify, evaluate, and prevent harmful exposures to chemicals?

RESPONSE: If confirmed, I will work to integrate environmental justice into all EPA programs, policies, and activities. The Senate Environment and Public Works Committee showed leadership in passing much-needed changes to the Toxic Substances Control Act (TSCA)—America's primary chemical safety law. These changes included a requirement for EPA to conduct risk evaluations to determine whether existing chemical substances present unreasonable risk, including to "potentially exposed or susceptible populations." President Biden's *Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* requires EPA to review Trump Administration actions, including those related to TSCA. If confirmed, I will work with this Committee to implement strong chemical safety protections with a much-needed emphasis on safeguarding workers who manufacture or handle chemicals and reducing the potential disproportionate impact such chemicals have on people of color and low-income and indigenous communities.

12. Over the last four years, I have met with families who have lost sons and daughters due to exposure to toxic chemicals like methylene chloride and trichloroethylene (TCE) – both chemicals for which bans of high-risk uses were supposed to have been finalized in 2017

but were put on ice and then withdrawn by the previous administration. Mothers and brothers and grandparents have visited my office to tell the stories of their loved ones - of a 13-year-old daughter who died of brain cancer in a community ravaged by childhood cancers linked to TCE contamination, and of a 21 year-old son who died from acute exposure to a paint stripper made with methylene chloride while on the job. I'd like to be able to tell the parents of Emma Grace Findley and Kevin Hartley that they have been heard and listened to and that we will finally take action to make sure that no more parents have to come here to tell us that we are not protecting their children.

- a. If confirmed, can you commit to making sure we finally put these protections in place?

RESPONSE: The Senate Environment and Public Works Committee showed leadership in passing much-needed changes to TSCA—America's primary chemical safety law. President Biden's *Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* requires EPA to review Trump Administration actions, including risk evaluations for chemical substances under TSCA. If confirmed, I will work with this committee to implement strong chemical safety protections with a much-needed emphasis on safeguarding workers who manufacture or handle chemicals and reducing the potential disproportionate impact such chemicals have on people of color and low-income and indigenous communities.

Senator Whitehouse:

13. There was funding in the FY 2021 omnibus spending bill for EPA to review and approve pathways for electric vehicles to receive credits under the RFS (known as e-rins). For several years, EPA has declined to approve applications that would open up this pathway. Modeling has shown that opening up this pathway could create a new incentive for electric vehicle deployment, valued at upwards of \$800 per vehicle. If confirmed, do you commit to reviewing swiftly all pending e-rin applications?

RESPONSE: If confirmed, I will confer with my legal and policy team to understand all options before me regarding the RFS program, and in this specific case, what steps can be taken to review pending pathway applications more quickly.

14. We have legislation that would establish at EPA a zero credit carbon emissions avoidance program to award credits to existing nuclear power facilities that are struggling economically. Modeling has shown that one-third of the existing fleet could shutter prematurely, removing carbon-free energy generation that we need to meet our climate goals. Do you support providing subsidies to economically vulnerable nuclear facilities in order to maintain their carbon-free energy generation?

RESPONSE: Nuclear currently provides about 20 percent of U.S. electricity generation. The Biden Administration is committed to the goal of a carbon

pollution-free power sector by 2035. If confirmed, I would work with Administration colleagues to consider the role of nuclear power in meeting this goal.

15. The Renewables Enhancement Growth Support (REGS) Rule (EPA-HQ-OAR-2016-0041) has been stalled at EPA for more than four years. Among other items, this rule would allow biointermediates to produce low-carbon fuel for which renewable identification numbers would be generated. The REGS rule went through the entire rulemaking and commenting process as specified in the Administrative Procedures Act. Comments on the biointermediates section were overwhelmingly positive. Most recently, Congress directed EPA to finalize this portion of the rulemaking for the REGS Rule (in Division G of the report accompanying the FY 2021 omnibus appropriations bill). The language directs EPA to complete the rulemaking within 90 days of the act's enactment (December 27, 2020) and report to Congress within 60 days about EPA's plans for action on this important rule. Should you be confirmed, will you commit to adhere to Congress's instructions, under the prescribed timeline, to finalize the REGS Rule to address the long-delayed decision on biointermediates?

RESPONSE: If confirmed, I will confer with my legal and policy team to understand EPA's responsibilities under the report accompanying the Consolidated Appropriations Act of 2021 and determine a path forward on this rulemaking.

Senator Kelly:

16. My state has very limited groundwater supplies. The City of Tucson shut down 10 percent of its groundwater wells due to PFAS contamination. And in the Phoenix metro area, nine water systems in the west valley have detected potentially harmful levels of PFAS in groundwater reservoirs. We need federal assistance to address PFAS, including EPA grants under the Safe Drinking Water Act. I am concerned that Arizona gets shortchanged on EPA water quality grants under the existing formula—we are near the bottom because our state doesn't have a lot of water. Last year, Arizona received as much funding from the EPA as the Territory of Guam—around \$10 million. What can EPA do to ensure that states who rank at the bottom of EPA grant formulas, like Arizona, get the funding they need to address PFAS?

RESPONSE: As a state environmental official, I understand the significant PFAS challenges faced by Arizona, North Carolina, and other states. President Biden has highlighted the importance of and his commitment to tackling PFAS pollution and protecting public health and the environment. If confirmed, I commit to addressing PFAS as a top priority for EPA, as I did in my position as Secretary of NCDEQ. I will learn more about EPA's funding programs, work to maximize the impact of the program funding we have, and, if necessary, work with Congress to increase appropriations to support cleanup of PFAS pollution, particularly for disadvantaged water utilities serving already overburdened and vulnerable communities throughout the United States.

17. The Obama-era “Waters of the United States rule” (WOTUS) rule expanded EPA enforcement over water quality beyond the major rivers and lakes covered by the Clean Water Act. I support clean rivers and waters, but how EPA writes this rule is very important. I’ve heard from farmers and ranchers in my home state of Arizona that the Obama-era WOTUS rule put EPA in charge of regulating irrigation canals or livestock ponds. Others in my state were concerned that housing could be disrupted if EPA defines dry desert washes as “waterway of the United States.” If EPA produces a new WOTUS rule, will you commit to factoring Arizona’s unique desert landscape?

RESPONSE: If confirmed, I look forward to the opportunity to look at what we have learned from both the Obama-era Waters of the United States and the Trump-era Waters of the United States rules. As a state secretary, I was on the receiving end of both rules. I have had extensive conversations with farmers about both rules.

We need to protect the nation’s water quality while respecting the concerns of the agricultural community and other stakeholders. While we need to assess outstanding issues and opportunities through the legal system, I do not want litigation to stifle what we can achieve. As a state regulator, the lack of certainty has been discouraging for us who are trying to get the business of our states done. I intend to look back at what we have learned, what worked and what didn’t, and apply those lessons to how we move forward.

If confirmed, I will rely on the scientific and legal experts at EPA and in the states to educate me on these matters, including what scientific data are available that are relevant to Clean Water Act jurisdictional issues. I commit to following the science and the law.

18. A 50-year old sewer pipeline built by the State Department for Mexico has been eroding and spilling Mexican sewage across the small border town of Nogales, Arizona, for the past 15 years. The sewer line transports 10 million gallons of wastewater. Nogales has tried suing the State Department, but the agency has been dodging the lawsuit citing international treaty agreements. Nogales is 95 percent Latino and doesn’t have the revenue to keep patching the sewer line. Do you see this as an environmental justice issue? How can EPA support the cleanup of wastewater near the southern border?

RESPONSE: All communities are entitled to a healthy and safe environment, which includes modern and safe water infrastructure. All too often, low-income communities and communities of color face disproportionate exposure to air and water pollution. I understand EPA has several programs available to improve environmental conditions along the United States and Mexico Border, and if confirmed, I look forward to learning more about these programs from EPA staff in order to identify opportunities to address the issue you raised.

19. There are over 500 abandoned uranium mines on the Navajo Nation that were left behind from the Cold War that have been decommissioned by defunct mining companies. These mines are polluting the tribe’s groundwater wells. Contaminated drinking water has been linked to outbreaks of lung cancer, bone cancer, and impaired kidney functions. So far,

the Department of Justice and the EPA have only tracked down the owners of 97 of those mines. Cleanup has begun on fewer than seven mines. Would you say this is an environmental justice issue? Will the cleanup of these mines be a priority for the EPA?

RESPONSE: All communities are entitled to a healthy and safe environment, which includes clean drinking water. If confirmed, I will ensure that EPA works with its state and tribal partners to address the environmental and health impacts from a legacy of mining contamination in tribal communities, including abandoned uranium mines on the Navajo Nation.

20. Another Trump Administration regulation that's been suspended would reduce air quality standards. I agree with the need to reverse these regulations. My concern here is that Arizona has seen EPA try to fine county governments for haboobs—dust storms. In reality, the smog from California is a bigger problem for us than the occasional haboob. Again, I think EPA needs to take into account that Arizona is different. So, if EPA produces a new national air quality rule, will you ensure that this “national rule” takes into account my state's unique desert environment?

RESPONSE: If confirmed, I will work closely with states as they work to meet national air quality standards in light of local conditions. I will consult with my legal team to ensure we follow the Clean Air Act.

21. As you may know, in March of 2018, Maricopa County, six Arizona cities and two tribal nations, along with a number of federal, state, and local partners announced the formation of the Rio Reimagined project. The project seeks to coordinate environmental protection and economic development projects along the riverbed of the Salt River, which flows through the heart of the Phoenix metropolitan area. The goal of the project is not just to clean up the Salt River watershed, including several brownfields, but also to make the areas around the river hubs for economic development. I was very pleased that the Trump administration and your predecessor EPA Administrator Wheeler chose to designate the Rio Reimagined project as an Urban Waters Federal Partnership project. This designation will allow federal agencies, including EPA, the Department of the Interior, the Fish and Wildlife Service, the Army Corps of Engineers, and others to coordinate federal efforts to support the many environmental restoration and economic development projects that are a part of Rio Reimagined. The Rio Reimagined project demonstrates how federal, state, and local partners can collaborate to both restore our environment and create economic growth. As EPA Administrator, how would you work to support collaborative projects, like Rio Reimagined, and promote the development of additional projects, which support both environmental restoration and economic development?

RESPONSE: In my career, I have learned that one of the best ways to address complex challenges is to convene stakeholders and to foster open dialogue in order to build consensus and promote pragmatic solutions. While I am not familiar with the specific Rio Reimagined partnership you describe, it sounds like the type of partnership that fits well with the approach I have promoted as Secretary of

NCDEQ. If confirmed, I look forward to learning more about Rio Reimagined and to identifying ways to strengthen and expand partnerships.

Senator Padilla:

22. California has led the nation when it comes to reducing vehicle emissions. It is something we're very proud of in my state, and it is something that I know Senators Feinstein, Carper, and Markey have led the way on here in the Senate. As you know, the Trump EPA attempted to undermine California's authority to regulate greenhouse gas emissions from vehicles. Every automaker has now walked away from supporting that Trump Administration effort, and the Biden Administration has asked EPA to quickly review the decision. Mr. Regan, the Clean Air Act is clear about California's independent authority to regulate tailpipe emissions. Will you pledge to be a true partner with California in our efforts to reduce vehicle emissions?

Response: If confirmed, I will work with California, the states, labor, and other stakeholders to achieve the President's commitment to reduce greenhouse gas emissions from vehicles.

23. Mr. Regan, I appreciate that one of your stated focuses will be environmental justice and ensuring that our low-income communities and communities of color are not left behind. One specific environmental justice issue in California that I want to highlight for you is the former Exide battery plant in Vernon, California. This battery recycling facility in a largely Latino, working class area of Los Angeles has been polluting the local air and soil with lead and arsenic for decades. Young children and their families are being exposed to toxic chemicals, and no one has held the company responsible. With the support of the Trump Administration EPA and Department of Justice, a bankruptcy court allowed Exide last year to simply abandon the plant, leaving California and the local community left to clean up the mess. How will you ensure that EPA partners with California to clean up this site?

- a. Will you formally designate the Exide facility as a superfund site?

Response: All communities are entitled to clean air, clean water, and a clean environment. If confirmed, I will consult with experts in the Office of Land and Emergency Management and work with the U.S. Department of Justice, the State of California, and stakeholders to inform a path forward for cleaning up the site.

24. A critical equity issue facing California is the availability of safe, clean drinking water. There are numerous low-income communities of color in the Central Valley that are not connected to municipal systems and don't have access to a reliable source of safe drinking water. As we begin to discuss infrastructure and President Biden's Build Back Better agenda, how will the EPA ensure that low-income communities of color in California will finally have access to safe, clean drinking water?

- a. Then there are other communities whose drinking water has been contaminated by PFAS. As you know well, PFAS is a class of more than 7,000 chemicals, and the challenge of even beginning to regulate them is enormous. One effort that California is pursuing to grapple with PFAS is working with the Department of Energy and with Lawrence Berkeley National Lab to use supercomputers to better understand the behaviors of each PFAS chemical in order to begin to regulate chemicals by class in the future. Mr. Regan, will you pledge to work with California and other federal agencies to help bring more federal resources to bear and to help better understand PFAS chemicals so that states and the federal government can better regulate them?

Response: As Secretary of NCDEQ, I learned firsthand the challenges faced by small communities in providing drinking water and wastewater services, and I understand the critical need for water infrastructure investment. The Biden-Harris plan for water infrastructure investment represents a critical opportunity to improve water quality in communities across the country and ensure rural towns can develop and thrive economically. If confirmed, I will work closely with EPA staff to ensure that the perspectives of these communities are considered in EPA's regulatory, financial, and technical assistance activities.

Regarding PFAS, my experience in North Carolina taught me all too well the devastating impacts the lack of action on PFAS can have on public health, the environment, and our local communities. President Biden has highlighted the importance of and his commitment to tackling PFAS pollution and protecting public health and the environment. During my confirmation hearing, I highlighted the need to have a full accounting of how these forever chemicals are entering our water, our air, and our land, and to pursue all avenues to address PFAS. If confirmed, I will seek to learn more from EPA's scientific and legal experts on what options EPA would have under each of its environmental statutes to mitigate PFAS pollution.

25. California faces numerous clean air challenges, particularly in the non-attainment areas of Los Angeles and the Central Valley. These clean air challenges are particularly acute for low-income communities of color in both regions. One of the fundamental issues we face in California is that we can regulate stationary sources, but not the mobile sources that are the cause of so much of the pollution. For that, we need the federal government. For example, heavy duty trucks are California's largest sources of nitrogen oxide air pollution, which is a leading contributor to the deadly smog in the San Joaquin Valley and in Southern California. California needs a true partner at the federal level in order to meet air quality standards. Even the industry has expressed support for tighter standards, but the Trump EPA refused to act. Will you commit to pursuing stricter federal emissions standards for heavy duty trucks, as well as for locomotives, cargo ships, and planes?
 - a. Another example is the mobile equipment and trucks used around the Ports of LA and Long Beach and the agricultural equipment used in the Central Valley. EPA has helped owners and operators retrofit older vehicles through the Targeted

Airshed Grant program and the Diesel Emissions Reduction Act program. But more must be done. How will you ensure that the EPA helps California improve its air quality through both stricter regulation and increased financial support?

Response: As Secretary of NCDEQ, I know firsthand that establishing a good working partnership between the states and the federal government is vital to achieving our mutual goals of protecting public health and the environment. If confirmed, I will work with my state partners to identify both regulatory and non-regulatory options for reducing air pollution from diesel engines.

Senator Capito:

26. During your time as NC DEQ Secretary, you established the state's first Environmental Justice and Equity Advisory board to better address social inequities, environmental protection, and community engagement, including in rural areas that are exacerbated by environmental issues.
- From a policy and regulatory perspective—how do you define environmental justice?
 - Do you agree that renewable energy sources and infrastructure can pose environmental inequities for communities in which they are sited?
 - How will energy poverty, in the form of less resilience, less reliability, and higher costs, be taken into consideration for environmental justice?
 - Do you agree that poverty and economic harm resulting from environmental regulations has negative health outcomes, including deaths of despair such as drug overdose or suicide?
 - Should economic harm resulting from environmental regulations likely to increase poverty be considered an environmental justice issue and factored into EPA's cost-benefit analyses as a net negative health effect?
 - Do you feel that the effects of poverty in rural and urban environmental justice communities are functionally similar?

RESPONSE: Even before the COVID-19 pandemic, rising economic inequality meant that too many families were struggling to make ends meet. Many communities, particularly rural communities and communities of color, face compounding challenges posed by inadequate infrastructure investment, generational poverty, racism, and poor health. That's why President Biden's Build Back Better agenda focuses on rooting out these systemic inequalities and ensuring every American has an equal chance to get ahead. President Biden also has made a commitment to environmental justice and equity as cornerstones of his agenda.

Securing environmental justice for communities most overburdened by pollution will be a priority for me if I am confirmed as EPA Administrator. If confirmed, I will work with EPA's policy, legal, and environmental justice teams to ensure that EPA's rulemakings and program implementation consider equity and

environmental justice impacts and that the federal civil rights laws are enforced. All communities are entitled to clean air, clean water, and a clean environment.

27. As a nation we should do everything in our power to help the underserved and disadvantaged members of our communities. That includes considering alternatives to policies that are regressive, imposing the greatest costs on those least able to bear them. Do you agree that environmental injustice in disadvantaged communities is exacerbated by policies which seek to ban natural gas as a reliable, clean, and affordable energy source?

RESPONSE: As I discuss above, many communities, particularly rural communities and communities of color, face compounding challenges posed by inadequate infrastructure investment, generational poverty, racism, and poor health. These are complex challenges that require complex, multi-faceted solutions. If confirmed, I will work with EPA's policy, legal, and environmental justice teams to ensure that the Agency incorporates and considers equity and environmental justice throughout EPA's programs.

28. I think everyone agrees with the goals of environmental justice and its importance as an issue that demands our attention. However, the scope of the issue is not always clear. For example, do you view access to jobs and energy affordability as a justice issue for poor and disadvantaged communities?

RESPONSE: As I discuss above, many communities, particularly rural communities and communities of color, face compounding challenges posed by inadequate infrastructure investment, generational poverty, racism, and poor health. These are complex challenges that require complex, multi-faceted solutions, including smart investment to create good-paying, family-sustaining jobs. These investments are at the heart of President Biden's Build Back Better agenda. If confirmed, I will work with EPA's policy, legal, and environmental justice teams to incorporate and consider equity and environmental justice throughout EPA's programs.

29. Do you agree that increased energy costs have a disproportionate impact on low-income families and communities?

RESPONSE: Low-income households pay more, as a percentage of their income, on energy. That's why energy efficiency programs, such as those managed by the U.S. Department of Energy (DOE), are critically important to lower energy bills while cutting air pollution. If confirmed, I will work with EPA's policy and legal team to incorporate and consider equity and environmental justice throughout EPA's programs.

30. If confirmed, will you take into account the impact of higher energy costs that would result from environmental regulations during your review of EPA policies and regulations?

RESPONSE: If confirmed, I will work with EPA’s legal and policy staff to implement the statutes, as passed by Congress, and consider the costs and benefits of our policies and regulations in accordance with those statutes and federal guidance.

31. In response to a question from Senator Cardin concerning a Chesapeake Bay Czar, you stated that, “I have been successful in prioritizing an agricultural czar or advisor, an environmental justice advisor.” This appears to imply that you have plans in place to create and hire new adviser or “czar” specifically devoted to Environmental Justice.
 - a. Do you intend to create a new position advising on or overseeing the Agency’s environmental justice agenda?
 - b. If so, will they be directly overseen by the EPA Administrator?
 - c. If so, what will the responsibilities of this position entail?
 - d. If so, will the responsibilities of this position overlap with the responsibilities of any other position already in existence at the EPA?

RESPONSE: I believe that Environmental Justice issues deserve a high level of attention, and President Biden has made a series of commitments to address Environmental Justice issues. If confirmed, I will look into whether EPA has the resources available to establish an Environmental Justice Advisor to the Administrator.

32. Do you acknowledge that the administration and enforcement of federal environmental statutes has in fact resulted in plant closures and layoffs?

RESPONSE: I believe that we can have both a strong economy and a healthy environment. If confirmed, I will work with the entire Administration to build and strengthen public-private partnerships to power America’s economy with cleaner energy and create millions of good-paying middle-class jobs.

33. Do you acknowledge that the administration and enforcement of federal environmental statutes in the future has the potential to result in plant closures and layoffs?

RESPONSE: If confirmed, I will work to promote both a strong economy and a healthy environment. I will work with the entire Administration to build and strengthen public-private partnerships to power America’s economy with cleaner energy and create millions of good-paying middle-class jobs.

34. Do you agree that the Agency has the ability to maintain a system of contacts with federal, state, and local enforcement offices and request information from the public in order to identify at the earliest possible time situations where a firm has closed or may close a facility due in substantial part to the administration and enforcement of federal environmental statutes? If not, why not?

RESPONSE: If confirmed, I will continue EPA’s partnership with states, tribes, and localities to address noncompliance with environmental laws.

35. Do you agree that the Agency has the ability to evaluate potential or actual plant closures and layoffs that may result from the administration and enforcement of federal environmental statutes to determine their significance based on the specific circumstances such as the nature of the workforce and the local economy? If not, why not?

RESPONSE: If confirmed, I will work with the entire Administration to build and strengthen public-private partnerships to power America's economy with cleaner energy and create millions of good-paying middle-class jobs. I will also request a briefing on how the Agency considers the economic impacts of enforcement actions on violators.

36. During this ongoing COVID-driven economic downturn, it is critical that American businesses have regulatory certainty for those businesses to manage their companies.
- How will you prioritize EPA's policies and activities to provide regulatory certainty?
 - Do you believe EPA should regularly review existing policies to identify outdated and unnecessary policies to minimize costly duplication? If so, will you formalize such a process at EPA?

RESPONSE: If confirmed, I will work with the entire Administration to build and strengthen public-private partnerships to power America's economy with cleaner energy and create millions of good-paying middle-class jobs. I look forward to joining the whole EPA team, including the longtime career staff and the recently onboarded non-career staff, so that together we can tackle this Administration's clear priorities for environmental protection while also working to provide regulatory certainty.

37. Secretary Regan, last week President Biden signed an Executive Order pertaining to the Administration's international and domestic environmental policy goals.¹ Section 218 of the Executive Order establishes an interagency working group focused—among other things—on steering federal resources to communities and individuals that will be harmed by the Biden Administration's energy and environmental policies. The executive order specifically mentions “coal and power plant communities,” such as those in West Virginia, which have already borne the brunt of troublingly similar agendas previously pursued by political appointees under the Obama-Biden Administration. As I am sure you are aware, should you be confirmed you will be a member of this interagency working group.
- Can you elaborate on your understanding of the mission of this interagency working group?
 - Do you believe this interagency work group approach is the most effective manner for the federal government to ensure “coal and power plant communities,”

¹ <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>

such as those in West Virginia, will not be targeted and left behind like they were as a result of many Obama-Biden Administration actions?

RESPONSE: President Biden’s Executive Order on Tackling the Climate Crisis at Home and Abroad establishes an Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization. If confirmed, I look forward to working with my colleagues across the Cabinet to coordinate investments and other efforts to assist coal, oil and natural gas, and power plant communities.

38. The executive order directs the interagency working group to submit a report making recommendations to President Biden within 60 days of it being signed.
- As a member of the interagency working group, do you commit to working with, and timely answering requests for information by the Congressional delegations representing these communities as you develop recommendations?
 - Do you commit to sharing the report with myself and other representatives of these communities prior to finalization?
 - Do you commit to granting Senators in both parties equal access to information and documents, including any necessary briefings and discussions with Agency personnel? If not, please explain why.
 - Do you commit to holding all of your political appointees at EPA to this same standard?
 - Do you commit to allowing the Ranking Member and Minority staff of the Committee access to any EPA staff deemed necessary to provide information relevant to the Committee’s requests?

RESPONSE: President Biden’s Executive Order on Tackling the Climate Crisis at Home and Abroad establishes an Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization. If confirmed, I look forward to working with my colleagues across the Cabinet to coordinate investments and other efforts to assist coal, oil and natural gas, and power plant communities.

I understand the importance of Congress’ need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with EPA staff to accommodate Congress’ interests.

39. For the benefit of Congress and the Executive Branch, effective communication and input are necessary in the development of regulations and policies that have a significant impact on the everyday lives of Americans. In development of the Clean Power Plan, the EPA under the Obama-Biden Administration—specifically previous officials that are again serving or have been nominated to serve under this Administration—refused to hold hearings in areas such as West Virginia that would have been severely impacted by the regulatory overreach.
- Will you commit to hosting public outreach and listening sessions in those states most likely to be negatively impacted by a proposed rulemaking?

- b. If requested, do you commit to provide the Ranking Member and Minority staff of the Committee notification and to consult with the Committee prior to any proposed or final action?
- c. Do you commit to make yourself and your staff available to provide additional information and briefings to the Committee on any action prior to it being taken by EPA?

RESPONSE: If confirmed, I look forward to engaging with you and with the people of West Virginia, and to spending time to better understand how decisions EPA makes affect your constituents.

I understand the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with EPA staff to accommodate Congress' interests.

40. Do you believe that the Agency should clearly and transparently document its decisions?

RESPONSE: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I intend to restore the role of science and transparency at EPA.

41. Do you believe that the public should have clarity on why EPA makes the decisions it makes, including the science on which those decisions are based? Should that science, including the associated data, be available to the public for review? If not, why not?

RESPONSE: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I intend to restore the role of science and transparency at EPA.

42. Should the Agency work to increase transparency and allow others to peer review its science?

RESPONSE: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I intend to restore the role of science and transparency at EPA.

43. Do you commit to responding to Freedom of Information Act (FOIA) requests as quickly as possible?

RESPONSE: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I intend to restore the role of science and transparency at EPA. The Freedom of Information Act (FOIA) is an important transparency mechanism for restoring public trust, and I commit to discussing FOIA processing with EPA staff and considering their advice to determine the appropriate path for expeditiously responding to FOIA requests.

44. What are your views of Administrator Wheeler's implementation of the Lean Management System to track and expedite EPA permitting and regulatory actions and do you intend to maintain it if confirmed?

RESPONSE: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. With respect to the Agency's Lean Management System, I commit to discussing this program with EPA staff and considering their advice to determine the appropriate path forward.

45. Do you commit to notifying the Committee of all of the email addresses you plan to use upon confirmation and also provide additional notice within seven days of using a new email address, including any aliases or pseudonyms? Do you commit to holding all of your political appointees at EPA to this necessary standard?

RESPONSE: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. With respect to the Agency's email policies, I commit to discussing these policies with EPA staff and considering their advice to determine the appropriate path forward.

46. Do you commit to conducting all business using official email addresses and other means and to refrain from any mediums that are outside the Freedom of Information Act's reach? Do you commit to holding all of your political appointees at EPA to this standard?

RESPONSE: I believe transparency is important as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. If confirmed, I commit to

maintaining recordkeeping practices that are consistent with all applicable laws (including the Federal Records Act) and I will expect all Agency personnel to do the same.

47. Throughout the history of the EPA, Administrators have reaffirmed a commitment to transparency in Agency's operations. Part of this commitment to transparency has included releasing records of the calendars of the Agency's senior leaders. During their tenures, Administrators Andrew Wheeler, Scott Pruitt, Gina McCarthy, and Lisa Jackson regularly released details of their daily schedules.
- Do you intend to reaffirm to all EPA employees past EPA Administrator's commitments to transparency in Agency's operations? If not, please explain.
 - Do you commit to ensuring the calendar entries you share with the public are timely and contain meaningful details that will enable the public to understand how you are conducting yourself as leader of the Agency?
 - Do you commit to providing information on the subject of the calendar events and the major participants involved? If not, please explain.

RESPONSE: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I commit to discussing a calendar disclosure policy with EPA staff to determine the appropriate path forward.

48. Nearly all the senior non-Senate confirmed EPA positions in the Headquarters office have been filled. This is concerning since this has taken place seemingly without your input or consent.
- Have you worked with any of the political appointees that have been announced at EPA to date?
 - What was the role of the White House climate czars and staff in their selection, if any?

RESPONSE: If confirmed, I look forward to joining the whole EPA team, including the longtime career staff and the recently onboarded non-career staff, so that together we can tackle this Administration's clear priorities for environmental protection.

49. Will you get to select the 10 EPA Regional Administrators?

RESPONSE: If confirmed, I look forward to joining the whole EPA team and onboarding new staff—career and non-career—as resources allow, so that together we can tackle this Administration's clear priorities for environmental protection.

50. Do you believe that Regional Administrators should hail from, or have experience living and working within, the EPA regions they serve?

RESPONSE: Experience with a place and its people provides valuable perspective to officials in public service. If confirmed, I look forward to joining the whole EPA team and onboarding new staff—career and non-career—as resources allow, so that together we can tackle this Administration’s clear priorities for environmental protection.

51. Will you commit to instructing all of your political staff to take the appropriate steps to avoid any appearance of having their impartiality questioned in the performance of their official duties?

RESPONSE: I take seriously my ethical obligations as a public servant and, if confirmed, I expect to work with EPA’s Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations. I will encourage all EPA political staff to do the same.

52. Do you believe that all political appointees at EPA should follow the Department of Justice (DOJ) ethics guidelines?

RESPONSE: I take seriously my ethical obligations as a public servant and, if confirmed, I expect to work with EPA’s Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations. I will encourage all EPA political staff to do the same.

53. Will you commit to directing all political appointees at EPA to comply with DOJ ethics guidelines to recuse themselves for a one-year period from any matter in which their former employer whom they provided services to within the previous year is a party or represents a party?

RESPONSE: I take seriously my ethical obligations as a public servant and, if confirmed, I expect to work with EPA’s Designated Agency Ethics Official for consultation and advice about meeting my federal ethics obligations and additional obligations under Executive Order 13989. I will encourage all EPA political staff to do the same.

54. A theme of regulation over the past four years has been to hew close to the purpose and scope of our nation’s environmental laws as they were enacted and acknowledging the improvements in our environment during the 50 years or so that most of these laws have been on the books.

- a. Do you agree that our environment has improved since these laws were enacted?
- b. Do you believe we must consider costs and legal bounds as we pursue environmental improvement?

RESPONSE: I believe this Administration’s priorities for environmental protection are clear. We will restore the roles of science and transparency at EPA, and support the talented, dedicated career officials. We will move with a sense of urgency on climate change. We will stand up for environmental justice and equity.

55. You responded to a question during your North Carolina State Senate committee hearing in 2017 on working with states, industry, and by stating, “I learned that when all is said and done, the business community wants regulatory certainty” and that industry and environmentalists both “want to be heard and to participate in a transparent process.” Do you pledge to work with industry and technology experts to ensure commonsense, technically feasible, and economically viable environmental solutions are proposed and implemented?

RESPONSE: If confirmed, I intend to approach EPA’s work in a collaborative manner, in partnership with state and local governments who know their own communities better than the federal government ever could. We will work transparently with responsible industries eager to establish clear, consistent rules of the road. We will collaborate with innovative businesses well positioned to help solve problems. We will engage working Americans whose voices have been absent from the conversation about our environment for too long. And, finally, we will do this work in partnership with Congress, leveraging your expertise and concerns for your constituents as we strive to build healthier communities through environmental stewardship and economic growth.

56. Among the many unilateral, executive actions that President Biden took before having an accountable Senate-confirmed official in place at EPA was a return to the Clinton Administration-era Executive Order 12866 and the Obama Administration-era Executive Order 13563, which controlled how EPA and other agencies proceed with their regulatory planning and review. During your hearing before this Committee, you stated “It is my desire to follow the law, not exceed my statutory authority. I believe with the proper stakeholder engagement, I think that we can forge a path forward.”
- Do you commit to not exceeding the statutory authority granted to EPA in action the Agency takes?
 - How will EPA abide by Section 1(b) of EO 13563 that instructs agencies to “impose the least burden on society,” and “tak[e] into account the costs of cumulative regulations?”
 - Will EPA provide at least 60 days of public comment on regulatory proposals to allow for meaningful public comment consistent with the EO 12866 Section 6(a)?
 - Will EPA facilitate semi-annual retrospective reviews of actions to determine if revising, streamlining, or repealing any existing rules that may be “outmoded” or “excessively burdensome” is necessary, as outlined in Section 6 of EO 13563?

RESPONSE: I see the President’s Executive Orders as setting goals and setting vision, in addition to providing directives. If confirmed, I commit to discussing these matters with EPA staff to determine the appropriate path forward. More broadly with respect to rulemaking, it is my desire to follow the law and not exceed my statutory authority, follow the science, and do so with the proper stakeholder engagement.

57. On January 28, 2021, I joined with 25 of my Senate colleagues in requesting from President Biden a meeting to discuss our concerns over his recent executive actions on climate and the destruction of quality jobs in the energy sector. The White House Press Secretary denied this request the very next day. Since you are being considered for a position as President Biden's nominee to be EPA Administrator, you should be the representative for of the Administration with primary authority over environmental regulations. Will you commit to meeting with my Senate colleagues and me to have a discussion about these recent executive actions and how you view them impacting your role as EPA Administrator?

RESPONSE: If confirmed, I look forward to engaging with you and other members of Congress to better understand how decisions EPA makes affect your constituents. I understand the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with EPA staff to accommodate Congress' interests.

58. There has been much discussion on the possibility of Congress taking up resolutions of disapproval for several recent EPA regulations under the Congressional Review Act of 1996. Under that law, after disapproval, EPA could not promulgate "substantially the same" rules again.
- If Congress were to disapprove rules to retain former President Obama's National Ambient Air Quality Standards (NAAQS), which must be reviewed every five years, what would that mean for future NAAQS standards?
 - Does the definition of "rule" under the Congressional Review Act include EPA guidance documents?

RESPONSE: Although I am familiar with the NAAQS rules and the Congressional Review Act, I have not reviewed any potential resolutions that may reject the recent NAAQS rules or any other EPA rules. If confirmed, I will thoroughly review any resolution of disapproval which may be enacted pursuant to the Congressional Review Act on any of EPA's rules.

59. Will you commit to ensuring that any new Agency guidance is developed in a transparent manner?

RESPONSE: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I understand this question relates to Executive Orders recently issued by President Biden, which EPA is already working to implement, and I look forward to taking appropriate action after considering advice from EPA staff.

60. Will you commit to ensuring that the Agency will publicly release all draft guidance prior to finalization, allowing for public comment *before* issuing final guidance?

RESPONSE: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I understand this question relates to Executive Orders recently issued by President Biden, which EPA is already working to implement, and I look forward to taking appropriate action after considering advice from EPA staff.

61. Will you commit to avoid shadow regulations, in which the Agency adopts de facto standards without going through the formal notice-and-comment process?

RESPONSE: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. With respect to rulemaking, it is my desire to follow the law and not exceed my statutory authority, follow the science, and do so with the proper stakeholder engagement.

62. Will you commit that EPA (including the Office of Water and all other program offices) will continue to ensure guidance documents do not mandate any specific actions, outcomes, or requirements?

RESPONSE: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA.

63. Do you agree with the concept that any guidance documents truly necessary to enhance effective national program implementation should be expeditiously finalized, at most within two years of proposal?

RESPONSE: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I understand this question relates to Executive Orders recently issued by President Biden, which EPA is already working to implement, and I look forward to taking appropriate action after considering advice from EPA staff.

64. Will you commit to automatically rescinding any draft guidance documents created by the Agency that have not been finalized within two years?

RESPONSE: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I understand this question relates to Executive Orders recently issued by President Biden, which EPA is already working to implement, and I look forward to taking appropriate action after considering advice from EPA staff.

65. On January 8, 2020, the Office of Management and Budget issued a memorandum titled: "Executive Order 12866 Review of U.S. Environmental Protection Agency (EPA) Integrated Risk Information System (IRIS) Assessments," which makes clear that IRIS assessments are guidance documents and that certain of them are likely to be significant and thus should go through a formal interagency E.O. 12866 review. This is a positive action since the IRIS program supports EPA's mission to protect human health and the environment, and IRIS assessments are influential or highly influential scientific documents that play a foundational role in Agency-wide regulatory policy choices. IRIS assessments also serve as a scientific resource to states, local government, tribal agencies, other federal agencies, and international health organizations.
- a. Do you agree that IRIS assessments are influential and are impactful to the public, business, and the economy in general?
 - b. Do you intend to comply with this memorandum to treat IRIS assessments as guidance, to make significance determination based on the criteria in section 3(f) of Executive Order 12866 review, and to require that significant assessments are subject to interagency review?
 - c. Are you aware of any plans for the President to rescind this memorandum? If so, will the Agency continue to informally offer IRIS assessments and other similar guidance documents up for interagency review?

RESPONSE: If confirmed, I will restore scientific integrity and evidence-based policymaking throughout EPA. With respect to the Memorandum you reference, I look forward to taking appropriate action, if any, after considering advice from EPA staff and consultation with the Office of Management and Budget, as appropriate.

66. As a state regulator, you know EPA's coordination with states and tribes is key to successful implementation of the cooperative federalism model embedded in many environmental statutes.
- a. How has your experience as a state regulator and a former EPA employee shaped your view of effective cooperative federalism?
 - b. Will you commit and make it a priority to consult with any states or tribes on EPA issues or actions?
 - c. Do you believe it is important that states should maintain State Implementation Plans (SIPs) to meet air quality standards based on the cooperative federalism principles enshrined in the Clean Air Act, rather than federally-issued

implementation plans (FIPs) to mandate standards and metrics across the states, regardless of differences in economies and scale?

RESPONSE: I recognize the importance of state and tribal action to implement the Clean Air Act. If confirmed, I will work with states and consult with tribal nations as a regulatory partner toward our shared goal of protecting human health and the environment.

67. Under the Obama-Biden Administration, the EPA ignored and left out states like West Virginia in the development of key policies. I am concerned that with so many political appointees behind those policies returning to EPA and this Administration, this dangerous practice will recur. I want to ensure this EPA under the Biden Administration does not make the same mistakes of the past.
- a. Will you also commit to establishing regular leadership meetings for Regional Administrators and state and tribal officials within their respective jurisdictions?
 - b. As a former EPA employee and state regulator, do you believe further guidance from EPA Headquarters is necessary to ensure coordination is effectively and consistently implemented throughout the regions?

RESPONSE: If confirmed, I look forward to joining the whole EPA team, including the long-time career staff in the regions and headquarters and the recently onboarded non-career staff, so that together we can tackle this Administration's clear priorities for environmental protection. I will carry out my responsibilities in a collaborative manner, in partnership with state, local, and tribal officials, and I will encourage that convening spirit throughout Agency programs and regions.

68. As a former EPA employee and a state regulator, you know the importance of the Office of Enforcement and Compliance Assurance. It is imperative to punish bad actors, but it is important to work closely with the states and provide entities with technical assistance to get them into compliance. How will you balance enforcement actions with technical assistance in achieving compliance?

RESPONSE: As a state regulator, I appreciate the importance of working closely with state and tribal partners to provide assistance in understanding regulatory requirements and in complying with environmental laws. If confirmed, I will seek to encourage compliance while enhancing shared accountability between EPA and states and tribes with authorized environmental programs.

69. You responded to a question during a North Carolina State Senate committee hearing in 2017 on working with states and businesses by stating: "We used to say at the EPA that 'We like to educate rather than regulate.' We want to create a culture where people who involuntarily violated a rule come to the agency to figure out how to work out of the situation. This is not a gotcha game, but how to protect our natural resources."
- a. Will you commit to standing by your views from 2017 and prioritizing compliance assurance?

- b. What is your plan for ensuring the Agency continues to work closely with the states and providing entities with assistance to bring them into compliance with all EPA statutes?

RESPONSE: If confirmed, I will seek to encourage the use of all appropriate tools, including compliance assistance, to help regulated entities comply with our nation's environmental laws, as well as enforcement where entities violate those laws. I will continue EPA's work with trade associations, states, tribes, and local governments to promote compliance assistance.

70. The EPA under the Obama-Biden Administration focused on the number of "prosecutorial assistance" requests to the U.S. Department of Justice (DOJ), while the Trump Administration defined success by the number of entities brought into compliance. How do you plan to define success of EPA enforcement actions?

RESPONSE: Based on my experience as a state regulator, I believe that there are many ways to measure the success of a compliance and enforcement program. If confirmed, I commit to being briefed on the various ways that EPA and states have measured that success while continuing to promote compliance assistance.

71. Like other federal agencies, there are discrepancies in the enforcement tactics between EPA's different regions, as well as the regions and EPA headquarters. What is your plan to bring a consistent enforcement regime across all 10 regions?

RESPONSE: If confirmed, I will encourage close and frequent communication between EPA Headquarters and the Regional offices to promote consistency in the use of compliance and enforcement tools.

72. During the January 27, 2021 White House climate press briefing with John Kerry and Gina McCarthy, McCarthy stated that climate change is "the most significant health challenge of our time." Secretary Regan, as we experience a global pandemic and as many West Virginians are still struggling to recover from the impacts of the Obama-Biden Administration's destructive energy policies, do you agree with the statement that Gina McCarthy made that the Biden Administration views climate change as the biggest public health challenge of our time?

RESPONSE: President Biden has put jobs, economic growth, and cost savings for consumers at the center of his climate agenda. If confirmed, I look forward to joining the whole Biden-Harris team to tackle the climate crisis and engage with all stakeholders. Addressing the climate crisis is critical to protecting human health and the environment.

73. The Committee questionnaire asks for disclosure regarding any business relationship, dealing or financial transaction with 501(c)(4) organization in the last ten years. You responded "none." Is there any information you would like to amend in your questionnaire with regard to EDF Action?

RESPONSE: I take seriously my ethical obligations as a public servant and, if confirmed, I will continue to work with EPA's Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations. While at the Environmental Defense Fund, I exclusively worked for their 501(c)(3).

74. In your ethics agreement submitted to the Committee, you detail that upon confirmation that you will resign from your position as NC DEQ Secretary and that for a period of one year after your resignation, you would have a "covered relationship" under the impartiality regulation of 5 C.F.R. § 2635.502 with NC DEQ, where the circumstances clearly bring to question your ability to be impartial in any matter involving NC DEQ. Please explain what your understanding of a "covered relationship" is in this context.

RESPONSE: I take seriously my ethical obligations as a public servant and, if confirmed, I will continue to work with EPA's Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations. EPA ethics counsel has informed me that the definition of "covered relationship" is set forth in the federal ethics regulations at 5 C.F.R. § 2635.502(b)(1)(iv). Similar to previous EPA Administrators who had been employed in state government, I have been advised that EPA ethics counsel will consider granting an "impartiality determination" to me pursuant to 5 C.F.R. § 2635.502(d). I understand that former Administrators Lisa Jackson and Scott Pruitt were issued similar impartiality determinations.

75. Despite this "covered relationship" and the clear impartiality you would have in any matter involving NC DEQ, you detailed that you would be seeking authorization to immediately engage with NC DEQ.
- Why do you feel the need this action is necessary?
 - Do you intend to recuse yourself from any matters related to the State of North Carolina?

RESPONSE: I take seriously my ethical obligations as a public servant and, if confirmed, I will continue to work with EPA's Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations. EPA ethics counsel has informed me that the definition of "covered relationship" is set forth in the federal ethics regulations at 5 C.F.R. § 2635.502(b)(1)(iv). Similar to previous EPA Administrators who had been employed in state government, I have been advised that EPA ethics counsel will consider granting an "impartiality determination" to me pursuant to 5 C.F.R. § 2635.502(d). I understand that former Administrators Lisa Jackson and Scott Pruitt were issued similar impartiality determinations.

76. Will you commit to notifying the Committee of your participation in any matter involving any of your former employers or organization of which you are a part?

RESPONSE: I take seriously my ethical obligations as a public servant and, if confirmed, I will continue to work with EPA's Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations.

77. Secretary Regan, you have told the Committee that in your role as NC DEQ Secretary, you were able to “address economic, environmental and public health issues—giving equal weight to each area in making key decisions.”
- Is this balance how you will approach your job at EPA—giving equal weight and consideration to economic, environmental, and public health issues as you make decisions?
 - Do you feel that approach was taken in the Biden Administration’s Executive Orders implicating EPA policies so far? Please explain.

RESPONSE: If confirmed, I intend to approach EPA’s work in a collaborative manner, in partnership with state and local governments who know their own communities better than the federal government ever could. We will work transparently with responsible industries eager to establish clear, consistent rules of the road. We will collaborate with innovative businesses well-positioned to help solve problems. We will engage working Americans whose voices have been absent from the conversation about our environment for too long. And, finally, we will do this work in partnership with Congress, leveraging your expertise and concerns for your constituents as we strive to build healthier communities through environmental stewardship and economic growth. I look forward to taking appropriate action to implement President Biden’s Executive Orders at EPA, after considering advice from EPA staff and engaging with other stakeholders inside and outside the Agency, as appropriate.

78. Your role as founder of M. Regan & Associates was not disclosed in the *EPW Questionnaire* you provided to the Committee, despite the request to provide details on all previous employment. Why did you feel this role did not meet the standard warranting disclosure to the Committee?

RESPONSE: I take seriously my ethical obligations as a public servant and, if confirmed, I will continue to work with EPA’s Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations. M. Regan & Associates was an entity I created prior to my appointment as Secretary of NCDEQ. It was active for only five months beginning in 2016, and during that time, it did not have any clients or generate any income. I dissolved it prior to my 2017 appointment. I was advised not to include it as “employment.” I have been assured by EPA ethics counsel that M. Regan & Associates does not present any federal ethics concerns whatsoever.

79. Upon further review, you seem to be the only employee of this firm, and there are no details available on any clients or issues that you worked on during this 5 month tenure.
- Please describe in further detail the role you served with the firm and what business did you oversee at M. Regan & Associates?

- a. Do you still have any fiduciary responsibility to or maintain financial assets in M. Regan & Associates?

RESPONSE: I take seriously my ethical obligations as a public servant and, if confirmed, I will continue to work with EPA's Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations. M. Regan & Associates was an entity I created prior to my appointment as Secretary of NCDEQ. It was active for only five months beginning in 2016, and during that time, it did not have any clients or generate any income. I dissolved it prior to my 2017 appointment. I was advised not to include it as "employment." I have been assured by EPA ethics counsel that M. Regan & Associates does not present any federal ethics concerns whatsoever.

80. Did M. Regan & Associates conduct business with any government entity, environment or energy public or private organization, or any other stakeholders that may be considered relevant to your appointment as EPA Administrator?
- a. If so, with what relevant entities did this company conduct business, and will you commit to recusing yourself from any EPA business that will involve these entities as stakeholders?

RESPONSE: No.

81. In the information provided to the Committee, you did not disclose any memberships in organizations you currently or previously held. Your profile on the NC DEQ website details that you have served on several boards and commissions focused on the environment, including the UNC School of Law Center for Climate, Energy, Environment and Economics, Green 2.0, N.C. Commission on Global Climate Change, the N.C. Energy Policy Council and the Executive Steering Committee of Envision Charlotte.²
- a. Why did you feel these roles did not meet the standard warranting disclosure to the Committee?
- b. Please describe in further detail the role you served on these boards or commissions.
- c. Did these boards or commissions conduct business with any government entity, environment or energy public or private organization, or any other stakeholders that may be considered relevant to your appointment as EPA Administrator?
- d. If so, what relevant entities did these boards or commissions conduct business with, and will you commit to recusing yourself from any EPA business that will involve these entities as stakeholders?

RESPONSE: I take seriously my ethical obligations as a public servant and, if confirmed, I will continue to work with EPA's Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations. I dissolved my

² <https://deq.nc.gov/about/leadership/michael-s-regan>

membership from these boards before joining the State of North Carolina as Secretary of the Department of Environmental Quality in 2017. I have been assured by EPA ethics counsel that my prior involvement in these boards does not present any federal ethics concerns whatsoever.

82. Is there any additional information you need to provide to the Committee at this time that you have previously failed to provide?

RESPONSE: I take seriously my ethical obligations as a public servant and, if confirmed, I will continue to work with EPA's Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations.

83. Do you commit to notifying the Committee immediately upon discovery of any additional failures to provide necessary information?

RESPONSE: I take seriously my ethical obligations as a public servant and, if confirmed, I will continue to work with EPA's Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations.

84. You stated that in your role at EPA you led "initiatives to improve energy efficiency and air quality" and that this experience will allow you to "hit the ground running, understanding fully the EPA's mission and capabilities as well as its role within the Executive Branch and its partnership with the Congress." Please describe in further detail the positions you held at EPA, the initiatives you led to improve energy efficiency and air quality, and elaborate how each position contributes to your ability to hit the ground running as EPA Administrator.

RESPONSE: After my first summer internship with EPA, I spent nearly ten years working at EPA under Presidents of both parties, and it is the honor of a lifetime to be asked to return. My ten years at EPA were in EPA's Office of Air and Radiation in both North Carolina and Washington, DC. I worked my way up from Intern to Special Assistant to National Program Manager and worked on diverse issues including environmental justice, indoor air, pulp and paper sector strategies, and multipollutant sector-based emission reduction strategies to name a few. If confirmed, I intend to use all my professional experience, including my EPA experience through my NCDEQ experience, to hit the ground running.

85. The Biden Administration has established a climate advisory council led by White House National Climate Advisor Gina McCarthy, former Administrator of the EPA during the Obama-Biden Administration. I have significant issues with the White House empowering these unaccountable climate czars, which in addition to former Administrator McCarthy include former Secretary of State John Kerry and former Deputy Interior Secretary David Hayes. These concerns have traditionally been shared by both parties in Congress regarding presidential administrations.
- a. What is your understanding of the role of EPA within the National Climate Advisory Council?

- b. Will the Advisory Council have oversight over some or any of the EPA's actions?
- c. Will any of the climate czars report to you, or any other Senate-confirmed official, or will you report to them?

RESPONSE: President Biden's Executive Order on Tackling the Climate Crisis at Home and Abroad establishes the National Climate Task Force. If confirmed, I look forward to working with my colleagues across the Cabinet to enable a whole-of-government approach to combat the climate crisis. Where implementation decisions are in EPA's purview, I will lead and make those decisions and accept the accountability for those decisions.

86. I was encouraged by your response to questions during the hearing, and I hope you are correct in stating that you will be in charge, but there is still significant concerns on the unaccountability and transparency of these White House climate czars and their staff. There is need for this Committee and the American public to understand their role and how they will be responsive to this Committee.
- a. Do any of these White House climate czars and staff have significant authority—regulatory or informal?
 - b. Will these White House climate czars and staff have a role in personnel, legal, or budgetary decisions at EPA?

RESPONSE: I am focused on the responsibilities of the EPA Administrator, where, if confirmed, I will make my own independent judgment with respect to any decision that is delegated to me by Congress and be accountable for those decisions.

87. Is the Office of Domestic Climate Policy, which Gina McCarthy heads, a permanent office within the White House?

RESPONSE: If confirmed, I will carry out my responsibilities as Administrator, make my own independent judgment with respect to any decision that is delegated to me by Congress, and be accountable for those decisions.

88. Both David Hayes and Gina McCarthy joined the White House from organizations involved in hundreds of active lawsuits against agencies like EPA, as well as lobbying activity on key EPA rules.
- a. Will these White House climate czars and staff be subject to federal ethics requirements, including signing the Ethics Pledge in President Biden's Executive Order?
 - b. Do you commit to working with the White House to provide all ethics documents of the White House climate czars and staff before you are confirmed?
 - c. Based on your understanding of ethics requirements, should they be recused from work on any particular matter for which their former employers are a party?

RESPONSE: I am focused on the responsibilities of the EPA Administrator, where, if confirmed, I will make my own independent judgment with respect to any decision that is delegated to me by Congress and be accountable for those decisions.

I take seriously my ethical obligations as a public servant and, if confirmed, I will continue to work with EPA's Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations.

89. Just as important to knowing any ethical issues these officials may have is the need for the American public to have clear, timely, and appropriate access to their communications and understand any forms of accountability that are in place.
- Will the White House climate czars and staff be subject to FOIA?
 - Will the White House climate czars and staff be subject to scientific integrity policies, like the policy present at EPA?

RESPONSE: If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. The "Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking" lays out expectations for scientific integrity across the executive branch and, if confirmed, I will work with EPA staff to meet the Agency's obligations under the memorandum.

90. A number of environmental laws that you will be administering—including the Clean Air Act (CAA), Toxic Substances Control Act (TSCA), Environmental Research, Development, and Demonstration Authorization Act (ERDDAA)—have very high standards for docketing, transparency, and other procedural requirements when it comes to interagency or White House review of proposed regulations. Do you view White House climate czars and staff involvement in EPA work as triggering these transparency requirements?

RESPONSE: If confirmed, I commit to conducting the Agency's work in a transparent manner and following the law, as we restore scientific integrity and evidence-based policymaking throughout EPA.

91. President Biden has also nominated Janet McCabe to serve as Deputy EPA Administrator. Ms. McCabe led EPA's Office of Air and Radiation under the Obama Administration and alongside Ms. McCarthy. The Senate did not confirm her for this position. Prior to announcing she would be nominated for Deputy Administrator, did the White House ask you for your input for EPA senior leadership team?

RESPONSE: I am pleased that President Biden has nominated Ms. McCabe to be Deputy Administrator, and should we both be confirmed, I look forward to serving alongside her.

92. Implementing the unilateral Executive Orders will require a significant amount of EPA's resources since they establish tight timelines and call on you to review and potentially rescind more than four dozen specific EPA actions.
- Did you provide the White House with any input on their recent Executive Orders, including those on "Protecting Public Health and the Environment and

Restoring Science to Tackle the Climate Crisis” and on “Tackling the Climate Crisis at Home Abroad”?

- a. If not, should you have been involved in these decisions?

RESPONSE: If confirmed, I look forward to taking appropriate action to implement President Biden’s Executive Orders at EPA, after considering advice from EPA staff and engaging with other stakeholders inside and outside the Agency, as appropriate. I will move with a sense of urgency in addressing the climate crisis.

93. You detailed in the hearing that you considered the details of these unilateral, executive orders to be more like “goals” rather than mandates from the White House.
 - a. Do you feel that statutory requirements are more significant than Executive Orders in determining and shaping policies?
 - b. Are there any provisions of these Executive Orders that would impose higher home heating power bills, gasoline prices, or other energy prices or bills for low income households? Please detail them.

RESPONSE: If confirmed, I look forward to taking appropriate action to implement President Biden’s Executive Orders at EPA, after considering advice from EPA staff and engaging with other stakeholders inside and outside the Agency, as appropriate. I am not aware of any specific Executive Orders aimed at imposing higher costs on low-income households.

94. Congress established EPA’s Science Advisory Board (SAB) to provide scientific advice to the Administrator, review EPA’s research programs, and advise the agency on scientific matters. A central principle of developing, reviewing, and providing scientific advice is a rigorous review from the scientific community and incorporating such feedback into the final analysis and advice. Historically, the agency has used the SAB to conduct peer review analysis and provide science advice on many issues. The SAB also drafts Integrated Risk Information System (IRIS) assessments.
 - a. Do you intend to continue this practice?
 - b. If not, how do you intend to change SAB’s role?

RESPONSE: If confirmed, I commit to conducting the Agency’s work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. It is my understanding that IRIS assessments are drafted by EPA’s Office of Research and Development (ORD). I intend to restore the role of science and transparency at EPA, and I look forward to being briefed by EPA staff on the IRIS program and speaking with the SAB. I commit to listening to any recommendations they have as we move forward.

95. Do you recognize the importance of diverse membership and broad experience for SAB members, including Appalachia and other regions of the country?

RESPONSE: I share President Biden’s commitment to diversity, equity, inclusion, and accessibility, and I commit to having the best scientists serving on EPA’s science advisory boards.

96. Will you evaluate SAB nominations and membership in a fair and impartial manner, based on a nominee’s academic, technical, and professional credentials and not on political affiliation?

RESPONSE: I intend to restore the role of science and transparency at EPA, and I look forward to being briefed by EPA staff on the SAB nomination process.

97. For key committees created by Congress including the Science Advisory Board and the Clean Air Scientific Advisory Committee, Republican and Democratic EPA Administrators have followed precedent by having previously appointed advisors serve out their terms. Will you follow this precedent or remove those experts before their terms expire?

RESPONSE: If confirmed, I commit to conducting the Agency’s work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I intend to restore the role of science and transparency at EPA, and I look forward to being briefed by EPA staff about SAB and Clean Air Scientific Advisory Committee appointments.

98. Under the Environmental Research, Development, and Demonstration Authorization Act of 1978, Congress created the Science Advisory Board to respond to scientific requests from the head of EPA but also this Committee. Will you agree to facilitate Board advice in response to questions from Committee members on both sides of the aisle?

RESPONSE: If confirmed, I commit to conducting the Agency’s work in a transparent manner as we restore scientific integrity and evidence-based policymaking throughout EPA. I intend to restore the role of science and transparency at EPA, and I look forward to being briefed by EPA staff about the relevant provisions of the Environmental Research, Development, and Demonstration Authorization Act of 1978.

99. Robust and credible scientific and technical analyses is critical, supplemented by a vigorous cost-benefit analysis, for well-formed and legally sound EPA regulations. Where will you and the EPA regulatory offices look for scientific answers?

RESPONSE: If confirmed, I commit to conducting the Agency’s work in a transparent manner as we restore scientific integrity and evidence-based policymaking throughout EPA.

100. Former EPA Administrator Pruitt was criticized for his policy that prevented the appointment of scientists to the SAB if they were actively taking grant funds from the EPA on the grounds that this was a conflict of interest. Do you believe that a scientist

who takes funds from the EPA has a conflict of interest if he or she serves on a committee to provide advice to the EPA and review EPA science? If not, why not?

RESPONSE: If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I intend to restore the role of science and transparency at EPA, and I look forward to being briefed by EPA staff about SAB appointments.

101. Would you agree that reliance upon scientific advice from an individual who receives EPA funding at least creates the *appearance* of a conflict of interest?

RESPONSE: If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I intend to restore the role of science and transparency at EPA, and I look forward to being briefed by EPA staff about SAB appointments.

102. Environmental groups, such as your past employer, the Environmental Defense Fund, assert EPA should not use data and science provided by industry. If you believe that receiving funds from the EPA does *not* create a conflict of interest, would you apply that same standard to scientific advice provided by peer-reviewed research conducted by industry?

RESPONSE: If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I intend to restore the role of science and transparency at EPA, and I look forward to being briefed by EPA staff about the Agency's use and application of science.

103. Environmental groups organized as nonprofits, such as Environmental Defense Fund, do not have to disclose their donors.
- a. Do you believe that scientific research or policy papers composed, promoted, or in any way funded by these groups pose a potential conflict of interest or at least the appearance of a conflict of interest? Should they be considered equivalently to those promoted by industry or trade associations in any science-based rulemaking processes?
 - b. Will you support EPA's use of scientifically sound data regardless of who generates that information, as long as such data is subject to a thorough peer-review process?

RESPONSE: If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I intend to restore the role of science and transparency at EPA, and I look forward to being briefed by EPA staff about the Agency's use and application of science.

104. EPA currently has about 20 Federal Advisory Committees (FACA). Will you commit that *all* of EPA's FACAs will represent a diversity of geographic regions, including West Virginia and Appalachia, in addition to a diversity of backgrounds and experience of individual FACA members?

RESPONSE: I share President Biden's commitment to diversity, equity, inclusion, and accessibility.

105. While the Office of Research and Development leads the Agency's scientific research activities, EPA's program offices, as well as state regulatory agencies, also carry out research and data analysis activities. Findings among different offices may not converge on a single outcome. In news reports, a recent instance of such a scientific disagreement within the Agency took place on the toxicity assessment for "PFBS," which is a member of the "PFAS" class.
- How will you handle instances in which conflicting data amongst credible peer-reviewed work exists within EPA?
 - How will you handle instances in which there are conflicting conclusions between EPA and your state partners?
 - If there is conflicting data, are there instances in which it is appropriate to set a risk-based range that would be used for decisions based on specific sites or circumstances?
 - Do you agree that for scientific research to be credible, it must be subject to objective, independent peer review before it is published and remain subject to scrutiny after it is published?

RESPONSE: If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I intend to restore the role of science and transparency at EPA, and I look forward to being briefed by EPA staff about the Agency's use and application of science.

106. EPA's Office of Research and Development (ORD) is the agency's scientific research arm. It was restructured in 2019 to better address how today's environmental challenges are approached.
- What is your view about ORD's current strategic planning process that puts the agency programs as its primary customer?
 - Is ORD the sole arbiter of science or does the Agency intend to seek input from all stakeholders, including private regulated entities and states?

RESPONSE: If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I intend to restore the role of science and transparency at EPA, and I look forward to being briefed by EPA staff about ORD's strategic research planning process, as well as the Agency's use and application of science.

107. On January 7, 2021, EPA published its rule on “Strengthening Transparency in Pivotal Science Underlying Significant Regulatory Actions and Influential Scientific Information.” The rule establishes how EPA will consider availability of dose-response data for science used in significant regulatory actions.
- Do you support policies that increase transparency in scientific analysis?
 - Do you believe that the American public should have access, to the maximum extent practicable, to underlying scientific data used to make consequential and costly regulatory decisions?
 - If so, do you feel that applies to all rules imposing unfunded mandates on stakeholders, regardless of whether they constitute “major rules” as defined under the Congressional Review Act?

RESPONSE: I understand that this rule was vacated and remanded to EPA on February 1, 2021. If confirmed, I would look forward to being briefed by EPA counsel about this and any other judicial decision. I commit to conducting the Agency’s work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I intend to restore the role of science and transparency at EPA, and I look forward to being briefed by EPA staff about the Agency’s use and application of science.

108. Nuclear energy currently generates more than half of our nation’s carbon-free electricity. North Carolina generates 75 percent of its carbon-free electricity from nuclear power plants. Those plants also employ more than 2,600 workers with good-paying jobs.
- What is your view of nuclear energy?
 - Can you share your views on the role of nuclear energy in North Carolina’s baseload generation mix and its importance in meeting the state’s carbon emissions targets?
 - If confirmed, will EPA take actions to support the safe, continued use of existing operating nuclear power plants?
 - If confirmed, will EPA take actions to support the development and deployment of new, advanced nuclear energy systems?

RESPONSE: Nuclear currently provides about 20 percent of U.S. electricity generation. The Biden Administration is committed to the goal of a carbon pollution-free power sector by 2035. If confirmed, I would work with Administration colleagues to consider the policy questions you raise regarding the role of nuclear power in meeting this goal.

109. The current standards for health impacts of radiation are based on the “linear no threshold” (LNT) principle. LNT is based on decades-old studies and models that directly extend down from high levels of radioactive exposure to very low doses of radiation. Congress has provided bipartisan support for the Department of Energy (DOE) to research the impacts of low doses of radiation on human health. EPA is responsible for setting the health standards for radiation exposure.

- a. If confirmed, will you commit that EPA will work with DOE on assessing the potential impacts of very low doses of radiation?
- b. If there is new information, will you commit that EPA will give fair and careful consideration for how EPA sets its radiation standards, including whether to apply a model other than LNT?

RESPONSE: Nuclear currently provides about 20 percent of U.S. electricity generation. The Biden Administration is committed to the goal of a carbon pollution-free power sector by 2035. If confirmed, I would work with Administration colleagues to consider the policy questions you raise regarding the role of nuclear power in meeting this goal.

110. EPA uses the “social cost of carbon” (SCC) as part of its assessment to justify regulations on greenhouse gas emissions. A January 26, 2021 *Inside EPA* article states that President Biden’s recent Executive Order on climate change “is expected to spur a significant increase in the interim social cost of carbon, the metric used to quantify the benefits of greenhouse gas rules, with key advocates press it to be set as high as \$125 per ton, up to four times the Obama-era value, which would help EPA and other agencies to justify sweeping new GHG policies.” Under the Obama Administration, an Interagency Working Group (IWG) met behind closed doors to revise SCC, which was then rapidly implemented without public scrutiny. This is detrimental to the public’s trust in the rationale underpinning environmental regulations. On January 21, 2021, President Biden established an Interagency Working Group on the Social Cost of Greenhouse Gases to set the SCC, the “social cost of nitrous oxide” (SCN), and the “social cost of methane” (SCM).
- a. Secretary Regan, if confirmed, will you commit to inform this Committee of EPA’s participation the Interagency Working Group on Greenhouse Gases?
 - b. Will you commit to inform this Committee of EPA’s participation on any interagency working group on any other issue that may lead to or influence EPA regulatory policy?
 - c. Will you also commit you will provide this Committee all communications, meeting notes, membership, and related documents associated with the working group as requested and in a timely manner?
 - d. Will EPA consider *all* economic costs associated with the environmental regulatory decisions necessary to implement any proposed SCC, including job losses, increased costs to consumers, and offshoring of American industries, businesses, and jobs?
 - e. Should the Biden Administration propose to revise an SCC, will you commit to a process that includes public involvement, including a public notice and comment period prior to such a revision?

- f. In applying the SCC, SCN, and SCM estimates to regulatory proposals, will you commit to evaluating the likelihood that higher domestic costs due to regulations could increase global emissions by forcing US industries to produce goods off-shore where environmental emissions are higher due to less stringent regulations and higher transportation-related emissions from bringing the resulting goods to domestic markets?

RESPONSE: If confirmed, I look forward to working to implement the portions of the President's Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis in my capacity as EPA Administrator. Where implementation decisions are in EPA's purview, I will lead, listen to EPA staff advice, make the decisions delegated to me, and accept the accountability for those decisions.

I understand the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with EPA staff to accommodate Congress' interests.

111. On January 20, 2021, President Biden directed the Office of Management and Budget (OMB) to review and update OMB Circular A-4 through a Presidential Memorandum. OMB Circular A-4 is the overarching guidance document that dictates how to develop regulatory analysis. Do you believe there are gaps in Circular A-4 that require it to be revised? If so, what are they?

RESPONSE: If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I intend to restore the role of science and transparency at EPA, and I look forward to being briefed by EPA staff about OMB Circular A-4 and the review directed by President Biden.

112. President Biden's memorandum states the document should be updated to "fully account for regulatory benefits that are difficult or impossible to quantify." If confirmed as the leader of an agency that is committed to basing decisions on science and facts, how do you believe EPA should balance quantifiable costs and benefits compared to relying on an undefined rationale?

RESPONSE: If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I intend to restore the role of science and transparency at EPA, and I look forward to being briefed by EPA staff about this issue.

113. Will you commit to wait until the Administration's review of OMB Circular A-4 is complete before making any revisions to EPA's Final Benefit-Cost Analysis rulemaking?

RESPONSE: President Biden has instructed EPA to review the final rule entitled, “Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process.” If confirmed, I look forward to being briefed by EPA staff about their review to inform my decision on how to move forward.

114. In addition to two climate czars in the White House, the Administration has announced senior staff for nearly every federal agency with portfolios dedicated to climate change. Costly and burdensome environmental regulations stifle our economy and hinder job creation. This makes it critical that environmental policies are established only after careful consideration within the appropriate agency. If confirmed, how will you ensure that other federal agencies are not trampling over EPA’s jurisdiction?

RESPONSE: Congress has bestowed certain powers upon the EPA Administrator, as well as certain accountabilities. If confirmed, I look forward to working with the President’s staff, and with every other Cabinet-level agency, as we develop a comprehensive pathway through a whole-of-government approach to reach the President’s ambitious climate goals. With complex issues like climate change, I anticipate healthy debates; and hopefully, we will have robust discussions in a manner that will yield the best results for the President to achieve this ambitious climate goal. Where the decisions are in EPA’s purview, I can assure you that I will leading and make those decisions and I will accept the accountability for those decisions.

115. In evaluating the costs of regulations, will you commit to present estimates of benefits and costs using discount rates that reflect the opportunity cost of capital for businesses?

RESPONSE: If confirmed, I commit to conducting the Agency’s work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I intend to restore the role of science and transparency at EPA, and I look forward to being briefed by EPA staff about these and other aspects of EPA’s approach to considering the benefits and costs associated with rulemakings.

116. In estimating benefits and costs, will you commit to identifying all major assumptions and uncertainties in the benefit and cost estimates?

RESPONSE: If confirmed, I commit to conducting the Agency’s work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I intend to restore the role of science and transparency at EPA, and I look forward to being briefed by EPA staff about these and other aspects of EPA’s approach to considering the benefits and costs associated with rulemakings.

117. Will you also commit to conducting and presenting sensitivity and uncertainty analyses of those uncertainties?

RESPONSE: If confirmed, I commit to conducting the Agency’s work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I intend to restore the role of science and transparency at EPA, and I look forward to being briefed by EPA staff about these and other aspects of EPA’s approach to considering the benefits and costs associated with rulemakings.

118. Do you agree that “[o]ne-size-fits-all approaches to public policy problems can inhibit the creation of effective solutions to those problems,” as stated by Section 2(f) of President Clinton’s Executive Order 13132 on Federalism? If not, why not?

RESPONSE: If confirmed, I commit to conducting the Agency’s work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I intend to restore the role of science and transparency at EPA, and I look forward to being briefed by EPA staff about this Executive Order.

119. Do you agree that “[t]he national government should be deferential to the States when taking action that affects the policymaking discretion of the States and should act only with the greatest caution where State or local governments have identified uncertainties regarding the constitutional or statutory authority of the national government,” Section 2(i) of President Clinton’s Executive Order 13132 on Federalism? If not, why not?

RESPONSE: If confirmed, I commit to conducting the Agency’s work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I intend to restore the role of science and transparency at EPA, and I look forward to being briefed by EPA staff about this Executive Order.

120. When undertaking to formulate and implement policies will you commit to “where possible, defer to the States to establish standards” as directed by Section 3(d)(2) of President Clinton’s Executive Order 13132 on Federalism? If not, why not?

RESPONSE: If confirmed, I commit to conducting the Agency’s work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I intend to restore the role of science and transparency at EPA, and I look forward to being briefed by EPA staff about this Executive Order.

121. When undertaking to formulate and implement policies will you commit when “determining whether to establish uniform national standards” to “consult with appropriate State and local officials as to the need for national standards and any

alternatives that would limit the scope of national standards or otherwise preserve State prerogatives and authority,” as directed by Section 3(d)(3) of President Clinton’s Executive Order 13132 on Federalism? If not, why not?

RESPONSE: If confirmed, I commit to conducting the Agency’s work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I intend to restore the role of science and transparency at EPA, and I look forward to being briefed by EPA staff about this Executive Order.

122. Do you agree the United States Environmental Protection Agency is required to engage in reasoned decision-making and that its actions must be reasonable and reasonably explained?

RESPONSE: If confirmed, I commit to conducting the Agency’s work in a transparent manner and following the law, as we restore scientific integrity and evidence-based policymaking throughout the EPA.

123. Do you acknowledge that the Supreme Court’s decision in *Michigan v. EPA*, 135 S. Ct. 2699 (2015), was correctly decided?

RESPONSE: If confirmed, I would look forward to being briefed by EPA counsel about this judicial decision.

124. Do you agree that reasonable consideration of the costs of an action requires consideration of potentially superior alternatives and not just consideration of action versus inaction?

RESPONSE: If confirmed, I commit to conducting the Agency’s work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I intend to restore the role of science and transparency at EPA, and I look forward to being briefed by EPA staff about these and other issues related to cost-benefit analysis.

125. Will you commit to ensuring that the United States Environmental Protection Agency considers all significant costs and drawbacks of its actions, including localized impacts, and considers all potentially superior alternatives raised by stakeholders, except where Congress has affirmatively forbidden such consideration as a part of a specific regulatory process?

RESPONSE: If confirmed, I commit to conducting the Agency’s work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. I intend to restore the role of science and transparency at EPA, and I look forward to being briefed by EPA staff about issues related to cost-benefit analysis in rulemakings.

126. President Trump withdrew the US from the Paris Agreement in 2017. That same year marked the ninth time this century that the U.S. reduced carbon emissions more than any other nation. Carbon dioxide emissions in the U.S. are at their lowest level since the early 1990s, meanwhile emissions around the globe have risen 50 percent in the same time period. Despite China emitting more cumulative carbon emissions than the United States and the European Union *combined*, the Paris Agreement allows China to continue increasing their emissions for years down the road. Meanwhile the United States would be required to make sizable emission reductions *today*, raising energy prices for Americans and costing thousands of jobs.
- Do you agree that meaningful greenhouse gas emissions reductions were occurring in the United States prior to the Paris Agreement and would continue regardless of whether the United States rejoins the agreement?
 - Do you agree with the legal findings of the Obama Administration that the Paris Agreement is nonbinding and does not have the force of law in the United States?
 - Will the EPA be involved in the transfer of taxpayer dollars to developing countries to assist with their climate mitigation efforts, as enshrined in the Paris Agreement?

RESPONSE: President Biden has committed to the American public that the United States will rejoin the Paris Agreement. If confirmed, I will work to support the efforts of our federal, tribal, state, local, and private sector partners to reduce U.S. greenhouse gas emissions. I will work to meet the President's climate change goals within the bounds of my statutory authority.

127. The AIM Act, enacted in Section 103 of Division S of the Consolidated Appropriations Act of 2021, contains clear, newly enacted Congressional direction to EPA to phase down hydrofluorocarbons.
- Do you commit to following and implementing the AIM Act's regulatory requirements in their entirety in the time periods provided by Congress?
 - On regular intervals as requested by the Senate Environment and Public Works Committee, do you commit to providing updates on EPA's progress in implementing the AIM Act?

RESPONSE: Congress has done the heavy lifting by passing the AIM Act; it is now EPA's job to implement the law. If confirmed, I will implement the law as laid out by Congress.

I understand the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with EPA staff to accommodate Congress' interests.

128. There is broad recognition across industry and environmental groups on the importance of the AIM Act as it pertains to addressing climate change. David Doniger of the Natural Resources Defense Council went as far as to describe the AIM Act as "the biggest action this Congress has taken to meet the climate crisis." Given the broad recognition of the significance of the AIM Act, in conjunction with the clear deadlines

and congressional direction assigned to the agency, do you commit to prioritizing implementation of the AIM Act over other regulations in EPA's Office of Air and Radiation?

RESPONSE: If confirmed, I will work to uphold my statutory obligations including implementing the AIM Act.

129. Senator Carper asked you to commit that, if confirmed, you'll support the president's direction to the State Department to send Kigali Amendment to the Senate for ratification and make implementation a top priority for EPA, to which you replied "Yes." In your view, does the AIM Act satisfy the domestic requirements and bring the U.S. into compliance with the Kigali Amendment?

RESPONSE: While I have read the law and look forward to implementing it, I have not had the benefit of being briefed by EPA staff on the AIM Act and its relationship with the Kigali Amendment. If confirmed, I will confer with EPA staff on that question.

130. The Clean Air Act generally preempts state regulation of motor vehicles. States are able to apply for a waiver from this preemption if they can demonstrate compelling and extraordinary circumstances within the State. When California was first granted a waiver, EPA found that California did in fact meet the compelling and extraordinary circumstances condition for criteria pollutants. That same argument does not apply to greenhouse gas emissions. While criteria pollutant emissions are a localized issue, greenhouse gas emissions are a global issue and are not particular or unique to California. The Trump EPA determined that California's desire to set its own greenhouse gas and zero-emission vehicle standards does not qualify as a compelling and extraordinary circumstance. Further, the Trump EPA determined that California's greenhouse gas emissions and zero-emission vehicle standards are inconsistent with the Clean Air Act because they are technically infeasible and do not provide sufficient lead time to permit the development of necessary technology to meet those standards. As you know, Clean Air Act Section 177 allows other states to abide by the fuel economy standards set by California.
- a. Do you agree that any standard California sets influences the national market for automobiles?
 - b. You testified that "the California waiver exists for a reason." Does this mean you plan to reinstate California's waiver to set its own fuel economy standards?

RESPONSE: There are numerous factors which influence the automobile market. If confirmed, I look forward to being briefed by Agency staff on the California waiver and will take appropriate action, following the law and the science, and based on robust engagement with stakeholders.

131. In response to a question from Senator Carper on fuel economy standards, you testified that "we need the right policies and the right regulations to be sure that all the

players understand there's a level playing field." How will there be a level playing field if the national auto market has states with different standards?

RESPONSE: If confirmed, I look forward to working with states, labor, the automobile industry, and other stakeholders to craft federal emission standards for new vehicles that are cost effective, reduce pollution, and save consumers money at the pump.

132. Do you agree that technologies needed to achieve emissions reductions from automobiles contribute to a higher retail cost for new cars?

RESPONSE: If confirmed, I look forward to working with states, labor, the automobile industry, and other stakeholders to craft federal emission standards for new vehicles that are cost effective, reduce pollution, and save consumers money at the pump.

133. Regions of California are the only parts of the country to be in nonattainment of multiple National Ambient Air Quality Standards. Is it fair that a state that cannot meet existing, nationally applicable air pollution requirements that other states have been able to meet can in turn dictate regulatory policy for the entire nation in tailpipe emissions?

RESPONSE: If confirmed, I look forward to being briefed by Agency staff on the California waiver and will take appropriate action, following the law and the science, and based on robust engagement with stakeholders.

134. Earlier this week, Gina McCarthy, who was not confirmed by the Senate, spoke to the press about how she is already engaging in discussions with regulated industry on revisions to fuel economy standards, which are promulgated by EPA. This statement, however, was made before you even testified before the Environment and Public Works Committee.

- a. If confirmed, how will you ensure that Ms. McCarthy will not circumvent your authority to set fuel economy standards?
- b. If confirmed, do you commit to providing briefings jointly with Ms. McCarthy, at the request of the Senate Environment and Public Works Committee Majority or Minority staffs, detailing any discussions Ms. McCarthy has had with regulated industry on fuel economy standards that implicates EPA authorities?

RESPONSE: Congress has bestowed certain powers upon the EPA Administrator, as well as certain accountabilities. If confirmed, I look forward to working with the President's staff, and with every other Cabinet-level agency, as we develop a comprehensive pathway through a whole-of-government approach to reach the President's ambitious climate goals. With complex issues like climate change, I anticipate healthy debates; and hopefully, we will have robust discussions in a manner that will yield the best results for the President to achieve this ambitious climate goal. Where the decisions are in EPA's purview, I can assure you that I will

lead and make those decisions and I will accept the accountability for those decisions.

135. As the auto market moves further towards electric vehicles and automated vehicle systems, the average weight of a vehicle is expected to increase. As a result, new lightweight automotive materials, such as innovative plastic and polymer composites, will increase in importance. The development of such composite materials has spurred growth in U.S. manufacturing jobs. If confirmed as Administrator, do you plan to work with the Department of Transportation to ensure these lightweight plastic and polymer composite automotive materials are not disadvantaged in fuel economy standards?

RESPONSE: If confirmed, I look forward to working with colleagues at the U.S. Department of Transportation on these issues, and more broadly, to working with stakeholders on emission standards for light duty vehicles that create good-paying jobs and take into account new technologies and innovations.

136. As you are aware, last year California announced its intention to ban ICE vehicles by 2035. Earlier this month, a report from California's Energy Commission found that if California wants to achieve their goal of 100 percent electric vehicles by 2035, it will need 1.5 million chargers. This is three times the 500,000 chargers that President Biden promised to build nationwide on the campaign trail. To illustrate how far California is from realizing this reality: the state currently has only 67,000 public chargers, with an additional 121,000 chargers planned for construction. The Biden Administration has made clear its goals for promoting electric vehicle adoption in the United States. When asked about a potential proposal in Japan to ban gas-powered vehicles by 2035, Akio Toyoda, Toyota's President, said if Japan is too hasty in banning gas powered cars *"the current business model of the car industry is going to collapse,"* causing the loss of millions of jobs.
- How many electric vehicle chargers do you believe will be needed for nationwide electric vehicle deployment?
 - Do you believe the United States is capable of meeting such a massive infrastructure undertaking in a way that will not result in job loss and higher car prices for the average American? If so, how?

RESPONSE: As indicated, the President committed to building 500,000 chargers. If confirmed, I will work with fellow members of the Cabinet and other Administration colleagues, as well as with states and other relevant stakeholders, to advance this goal in a way that creates jobs and provides benefits to drivers.

137. Within the explanatory statement for the Consolidated Appropriations Act of 2021 (P.L. 116-260), \$3 million was expressly directed to facilitating development of Class VI wells that are used to inject carbon dioxide for geological sequestration. This funding was also specified to help review and process Class VI primacy applications and will help improve permitting procedures for commercial and research carbon sequestration projects. Do you commit to spending this \$3 million to develop additional expertise at the Agency for this purpose?

RESPONSE: I am not familiar with the specific provisions of the Consolidated Appropriations Act of 2021. If confirmed, I expect to be briefed on requirements related to the resources appropriated by Congress to help build expertise in carbon sequestration and to use these resources in an appropriate manner.

138. Carbon capture, utilization, and storage (CCUS) is essential to meeting global climate targets and preserving and growing manufacturing and energy jobs in this country. I have worked across the aisle, including with members of this Committee, to support wide scale deployment of CCUS technology. The United Nations' Intergovernmental Panel on Climate Change (IPCC) has called CCUS key to addressing climate change. Additionally, in President Biden's Plan for a Clean Energy Revolution, he announced that he shares the Carbon Capture Coalition's goal to "make CCUS a widely available, cost-effective, and rapidly scalable solution" and wants to accelerate the development and deployment of this technology. In the North Carolina DEQ comments to the ACE Rule that you submitted along with Governor Roy Cooper, North Carolina voiced support for carbon capture and sequestration technology.
- a. If confirmed, will you commit to work with me to accelerate development and deployment of CCUS technology?
 - b. If confirmed, will you commit to working collaboratively on supporting infrastructure, such as pipelines, that will enable greater CO₂ storage?

RESPONSE: If confirmed, I commit to look at tools the Agency has to encourage further development of carbon capture and sequestration as well as other technological solutions to reducing greenhouse gases. I commit to partnering with other federal agencies as appropriate to determine what steps we can take to advance development and deployment of CCUS.

139. Instead of implementing overreaching and illegal regulations to tackle climate change, I support incentivizing American innovation through research and development. For example, the Clean Industrial Technology Act was recently signed into law. This new law will help ensure American ingenuity is at the forefront of reducing emissions from the industrial sector. Do you agree that American innovation is a key component to reducing emissions and that promoting American ingenuity is preferable to overreaching regulatory actions?

RESPONSE: I agree that American innovation and American ingenuity are key to meeting the Administration's goal of tackling climate change.

140. Over the last few decades, our country has made incredible strides in reducing air pollution. Between 1970 and 2019, the combined emissions of the six common air pollutants have dropped by 77 percent. And from 1990 to 2017, emissions of air toxics in the U.S. declined by 74 percent.
- a. Do you agree that the US has successfully reduced air pollution over the past few decades?
 - b. What type of air pollution will be your primary target at EPA?

- c. Will your priorities be based on direct health impacts, environmental effects, or something else?

RESPONSE: Building on the success of American innovation and ingenuity to reduce air pollution, if confirmed, I intend to take steps to strengthen our air protections, including for communities that are disproportionately impacted by air pollution.

141. The so-called ‘*Clean Power Plan*’ was an unrealistic, illegal regulation that would have strangled our energy economy and raised electricity prices across the country before its implementation was stopped by the Supreme Court. Many former Obama Administration officials, including Gina McCarthy and Joe Goffman, who has been called “the legal architect of Obama’s Clean Power Plan,” have already been hired by the Administration.
- Do these hiring decisions, made without a confirmed EPA Administrator in place, undermine the authority of an incoming Administrator?
 - How can you be sure that these “architects of the Clean Power Plan” whom have not been confirmed by the Senate, have not already begun working on a similar regulatory proposal that would be chiefly your responsibility to implement should you be confirmed as EPA Administrator?

RESPONSE: Congress has bestowed certain powers upon the EPA Administrator, as well as certain accountabilities. If confirmed, I look forward to working with the President’s staff, and with every other Cabinet-level agency, as we develop a comprehensive pathway through a whole-of-government approach to reach the President’s ambitious climate goals. With complex issues like climate change, I anticipate healthy debates; and hopefully, we will have robust discussions in a manner that will yield the best results for the President to achieve this ambitious climate goal. Where the decisions are in EPA’s purview, I can assure you that I will lead and make those decisions and I will accept the accountability for those decisions.

142. How will EPA consider the financial impact of its rules on older energy workers for whom a transition to a new industry is infeasible? How about those workers who become unable to transition due to a lack of jobs in their region?

RESPONSE: As I stated during the hearing, I believe that in order for us to be successful, every state and every community has to see itself in our vision. President Biden’s Executive Order to tackle the climate crisis launched a whole-of-government approach to address the climate crisis and capture economic opportunities that come from modernizing our infrastructure and putting America on a path to achieve net-zero emissions, economy-wide by 2050. These actions will empower workers to rebuild infrastructure, supporting construction, manufacturing, engineering, and skilled-trades jobs needed to build back better. The Executive Order will help to revitalize energy communities by establishing a working group on economic revitalization to prioritize support for coal and power

plant communities while creating good-paying union jobs like plugging leaks from oil and gas wells, reclaiming abandoned mine land, and turning idled sites like brownfields into new hubs for economic growth. If confirmed, I look forward to working as part of the President's team as we work to position U.S. workers to capture jobs in clean energy and resilient infrastructure while we address the needs of people across the energy sector.

143. During his 2012 State of the Union, President Obama said, "the development of natural gas will create jobs and power trucks and factories that are cleaner and cheaper, proving that we don't have to choose between our environment and our economy."³ Do you agree with President Obama's statement?

RESPONSE: Natural gas plays an important role in our economy; its production and use also can cause pollution and contribute to climate change. President Biden's Executive Order to tackle the climate crisis launched a whole-of-government approach to address the climate crisis and capture economic opportunities that come from modernizing our infrastructure and putting America on a path to achieve net-zero emissions, economy-wide by 2050. These actions will empower workers to rebuild infrastructure, supporting construction, manufacturing, engineering, and skilled-trades jobs needed to build back better. The Executive Order will help revitalize energy communities by establishing a working group on economic revitalization to prioritize support for coal and power plant communities while creating good-paying union jobs like plugging leaks from oil and gas wells, reclaiming abandoned mine land, and turning idled sites like brownfields into new hubs for economic growth. If confirmed, I look forward to working as part of the President's team as we work to position U.S. workers to capture jobs in clean energy and resilient infrastructure while we address the needs of people across the energy sector.

144. As you testified, your strategy has always been to "engage our private sector counterparts." If you are confirmed, will you commit to engaging with industry before drafting any proposal related to methane to ensure the agency better understands the technological advancements that have been made on methane detection and mitigation?

RESPONSE: If confirmed, I look forward to convening all parties relevant to this discussion to forge a path forward on methane emissions. The process will be transparent, and the Agency's decision will be based on the best science, engineering, and data available and informed by robust engagement with states, tribes, and other stakeholders.

145. As you mentioned during your hearing, you wanted regulations to be flexible and for "interpretations of the regulations to be flexible enough to allow for innovation." Will you commit to ensuring operators are provided flexibility to implement the most feasible technologies?

³ <https://obamawhitehouse.archives.gov/the-press-office/2012/01/24/remarks-president-state-union-address>

RESPONSE: If confirmed, I commit to being as collaborative as possible while developing regulations and consider administrative burdens. EPA will be a partner as we execute on the implementation of regulations.

146. If confirmed, will you commit to consider the impacts on public health with respect to medical device availability when considering any regulatory actions that may impact ethylene oxide?

RESPONSE: If confirmed, I look forward to learning more about ethylene oxide and any regulatory options under consideration, taking into account the uses of this chemical as well as its impact on public health. I will also work closely with the U.S. Food and Drug Administration (FDA), which is responsible for the medical device supply chain, to make sure that we have a coordinated federal approach for protecting public health.

147. You testified that you “see the executive orders as setting goals and setting vision. But in those Executive Order, they leave plenty of room for how these things would be implemented. The reality is that these cabinet agencies will be implementing and executing these visions. And so, we have a ton of time, in my opinion, to aim for these goals but massage the processes which we will achieve those goals.” If confirmed, would you have flexibility to extend the timelines included in Executive Orders as necessary?

RESPONSE: If confirmed, I look forward to working to implement the relevant portions of the President’s Executive Orders in my capacity as EPA Administrator. Where implementation decisions are in EPA’s purview, I will lead, listen to EPA staff advice, make the decisions delegated to me, and accept the accountability for those decisions. I will work with EPA staff to accomplish our responsibilities within the directed timelines.

148. In response to Senator Sullivan, you stated, “I don’t think it’s a good idea to kill jobs.” Do you agree the Executive Orders have already eliminated jobs, including laying off workers from the Keystone XL pipeline?

RESPONSE: President Biden’s Executive Order to tackle the climate crisis launched a whole-of-government approach to address the climate crisis and capture economic opportunities that come from modernizing our infrastructure and putting America on a path to achieve net-zero emissions, economy-wide by 2050. These actions will empower workers to rebuild infrastructure, supporting construction, manufacturing, engineering, and skilled-trades jobs needed to build back better. The Executive Order will help to revitalize energy communities by establishing a working group on economic revitalization to prioritize support for coal and power plant communities while creating good-paying union jobs like plugging leaks from oil and gas wells, reclaiming abandoned mine land, and turning idled sites like brownfields into new hubs for economic growth. If confirmed, I look forward to working as part of the President’s team as we work to position U.S. workers to

capture these clean energy jobs while we address the needs of people across the energy sector.

149. The so-called '*Clean Power Plan*' was an unrealistic, illegal regulation that would have strangled our energy economy and raised electricity prices across the country before its implementation was stopped by the Supreme Court. Its replacement, the *Clean Energy (ACE) Rule* balanced the rule of law with what was economically feasible and protective of the environment, while continuing the progress this country has already made on reducing emissions of carbon dioxide and criteria pollutants.
- What is your understanding of the Section 111(d) of the Clean Air Act?
 - As you testified, you will confer with staff and legal counsel on if EPA has the authority to use Section 111(d) of the Clean Air Act to regulate a power plant's carbon dioxide emissions beyond, or "outside," the fence line. Will you commit to providing me with information on what your legal counsel has advised in regards to if EPA has the authority to regulate outside or beyond the fence line through Section 111(d)?
 - Will you commit to providing regular briefings to keep the Committee Majority and Minority staffs informed on how you plan to proceed?
 - Will you commit to consulting with the Committee prior to taking any proposed or final actions on similar proposals?
 - Following the D.C. Circuit's decision to remand the ACE Rule to EPA, do you plan to reinstate the Obama Administration's Clean Power Plan that the Supreme Court issued a stay on in 2016, or any substantively similar regulatory proposal?

RESPONSE: If confirmed, I will have the ability to look back at previous efforts to reduce greenhouse gas emissions from power plants, including the Clean Power Plan and the ACE rule. I will consider what worked and what could have worked better. I intend to apply those lessons learned to moving EPA forward, working with stakeholders and the rest of the Administration, as well as with Congress, to address greenhouse gas emissions from power plants.

150. In your response to my questions on the Clean Power Plan, you testified, "We can apply those lessons learned to how we are going to move forward." What lessons do you feel you learned from the Clean Power Plan and ACE Rule?

RESPONSE: If confirmed, I will have the ability to look back at previous efforts to reduce greenhouse gas emissions from power plants, including the Clean Power Plan and the ACE rule. I look forward to convening all parties relevant to this discussion to forge a path forward within the limits of the law. The process will be transparent, informed by robust engagement with stakeholders, and based upon the best science available.

151. You also testified "the reality is that it presents a significant opportunity for the EPA to take a clean slate and look at how do we best move forward." Can you expand upon your statement?

RESPONSE: If confirmed, I look forward to convening all parties relevant to this discussion to forge a path forward within the limits of the law. The process will be transparent, informed by robust engagement with stakeholders, and based upon the best science available.

152. In your capacity as Secretary of NCDEQ, you sent a letter in April 2018 opposing the proposed repeal of the Clean Power Plan (CPP), in which you stated the “CPP framework is a reasonable regulatory approach.”
- Do you continue to endorse the view that the CPP framework is a reasonable regulatory approach?
 - In the same letter you also stated that the “CPP does not have vast economic and political significance.” Do you continue to endorse this view?

RESPONSE: If confirmed, I look forward to convening all parties relevant to this discussion to forge a path forward within the limits of the law. The process will be transparent, informed by robust engagement with stakeholders, and based upon the best science available.

153. North Carolina is a party to the lawsuit challenging the Affordable Clean Energy (ACE) Rule. Did you have any role in this decision?

RESPONSE: If confirmed, I look forward to convening all parties relevant to this discussion to forge a path forward within the limits of the law. The process will be transparent, and the Agency’s decision based upon the best science, engineering, and data available.

154. Do you personally support North Carolina’s decision to challenge the ACE Rule?

RESPONSE: If confirmed, I look forward to convening all parties relevant to this discussion to forge a path forward within the limits of the law. The process will be transparent, and the Agency’s decision based upon the best science, engineering, and data available.

155. High regulatory costs have been acutely felt in West Virginia. Under the Obama Administration, the direct benefits of EPA’s *Mercury and Air Toxics Standards* were estimated in the millions, while compliance costs were \$9.6 billion annually.
- Do you support creating consistency in how EPA documents costs and benefits, including not counting “co-benefits” beyond the immediate scope of a rule?
 - Should the benefits of the subject of a rule exceed its costs?
 - Will you commit that if you are confirmed, EPA will consider all costs of significant new regulations, including potential job losses and associated negative health impacts?

RESPONSE: If confirmed, I commit to conducting the Agency’s work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. With respect to rulemakings specifically, I commit

to processes that are transparent, follow the law, follow the science, and consider costs and benefits as appropriate.

156. Over the last decade, EPA has struggled to implement the requirements of the Renewable Fuel Standard, with administrations of both parties missing statutory deadlines. This precedent is troubling considering that the EPA will have discretion to set annual volumes beyond the year 2022.
- If confirmed, how do you plan to exercise this authority beyond 2022?
 - Do you plan to take into consideration that setting unachievable annual volumes drives up energy prices and hurts low-income Americans?

RESPONSE: If confirmed, I will confer with my legal and policy team to understand all of the options before me regarding the RFS program, and in this specific case, what discretion the Agency has to set volumes beyond 2022.

157. As long as the Renewable Fuel Standard (RFS) remains the law of the land, the federal government should be prioritizing the transition from renewable fuels that disrupt agricultural markets and consumer food prices in favor of cellulosic, biomass, and other advanced biofuels. Pathway petitions concerning cellulosic fuels have been pending before the Agency for some time. These pathways will generate cellulosic renewable identification numbers (RINs) associated with production of a renewable transportation fuel from waste-derived biogas. Similar pathways have been approved by EPA, but these three petitions have remained pending.
- If confirmed, will you commit to completing the review of pathway petitions within a reasonable timeframe?
 - Do you agree that the statutory authority to administer the Renewable Fuel Standard resides at EPA?

RESPONSE: If confirmed, I will confer with my legal and policy team to understand all of the options before me regarding the RFS program, and in this specific case, what steps can be taken to review pending pathway applications more quickly.

158. You testified that “we will follow the letter of the law as it was intended for that program.” You also testified that “agriculture should have a seat at the table” and that one of your first conversations upon being nominated was to reach out to USDA Secretary Tom Vilsack to “talk about how we can partner together.”
- In light of the fact that the US Department of Agriculture (USDA) has statutory authority under the Clean Air Act to assist in administering the Renewable Fuel Standard, how do you rectify those mutually exclusive pledges?
 - If USDA does not have statutory authority to administer the RFS, do you believe they should be a party to interagency RFS policy discussions?
 - What other interests, beyond agriculture, “should have a seat at the table” for these policy discussions?

RESPONSE: If confirmed, I will confer with my legal and policy team to understand all of the options before me regarding the RFS program, and in this specific case, USDA's role and how we can improve our partnership.

159. How do you define “demonstrated disproportionate economic hardship” for the purposes of considering Small Refinery Exemptions (SREs) and how do you intend to score SRE petitions accordingly?

RESPONSE: If confirmed, I will confer with my legal and policy team to understand all of the options before me regarding the RFS program, and in this specific case, small refinery exemption petitions.

160. Certain agricultural groups want EPA to publish the confidential business information (CBI) of SREs, which is prohibited by federal law and could cause harm to refiners petitioning due to experiencing economic hardship. How do you plan to create additional transparency into the Small Refinery Exemption process without disclosing confidential business information?

RESPONSE: If confirmed, I will confer with my legal and policy team to understand all of the options before me regarding the RFS program, and in this specific case, how to create a more transparent process while respecting EPA's obligations to protect potential confidential business information.

161. In your response to Senator Duckworth, you shared that as EPA Administrator, you would “clear the backlog of applications.” Do you consider pending SREs to be backlogged, in addition to biofuel waivers?

RESPONSE: If confirmed, I will confer with my legal and policy team to understand all of the options before me regarding the RFS program, and in this specific case, what steps can be taken with respect to pending small refinery exemption petitions.

162. North Carolina was one of the states that brought a lawsuit challenging the 2015 Waters of the United States (WOTUS) rule and secured a stay of the 2015 rule on the basis that they were likely to prevail on the merits. Do you agree that the 2015 WOTUS rule was an overreach of EPA authority and inconsistent with the legal authority of the Clean Water Act (CWA)?

RESPONSE: If confirmed, I look forward to the opportunity to look at what we have learned from both the Obama-era Waters of the U.S. and the Trump-era Waters of the U.S. rules. As a state secretary, I was on the receiving end of both rules.

There is a clear opportunity now to look at how we protect our water quality while not overburdening the agricultural community and other stakeholders. While we need to assess outstanding issues and opportunities through the legal system, I do not want litigation to stifle what we can achieve. I am committed to following the

science and the law. As a state regulator, the lack of certainty has been discouraging for us who are trying to get the business of our states done. I intend to look back at what we have learned, what worked and what didn't, and apply those lessons to how we move forward.

If confirmed, I will rely on the scientific and legal experts at EPA to educate me on these matters, including what scientific data are available that are relevant to Clean Water Act jurisdictional issues.

163. In 2017, the North Carolina Department of Environmental Quality (DEQ) withdrew from the legal challenge to the 2015 WOTUS rule. According to a news article: "major stakeholders say they were left in the dark" about the decision to withdraw from the litigation.⁴ Did you meet with any stakeholders in North Carolina before this decision was made?

RESPONSE: If confirmed, I look forward to convening all parties relevant to a particular issue to forge a path forward within the limits of the law.

164. North Carolina joined a lawsuit filed by the State of California and other states challenging the Navigable Waters Protection Rule (NWPR). What was your involvement in North Carolina's joinder to this lawsuit?

RESPONSE: If confirmed, I look forward to convening all parties relevant to this discussion to forge a path forward within the limits of the law. The process will be transparent, and the Agency's decision based upon the best science, engineering, and data available.

165. Given the public comments you submitted on behalf of the North Carolina Department of Environmental Quality as well as North Carolina's involvement in the multi-state action challenging EPA's NWPR, do you believe you should recuse yourself from having any involvement in any future EPA action on the NWPR?
- a. If not, what assurances can you provide that you are capable of acting impartially with respect to any potential actions EPA may take with respect to the NWPR?

RESPONSE: I take seriously my ethical obligations as a public servant and, if confirmed, I will work with EPA's Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations.

166. Do you believe the Science Advisory Board is authorized to determine the extent of the jurisdiction of the Clean Water Act with respect to which waters are "Waters of the United States," or do you believe that authority lies with political appointees at the EPA and the Army Corps of Engineers?

⁴ <https://nsjonline.com/article/2017/04/in-quiet-move-cooper-administration-retreats-from-waters-of-the-u-s-lawsuit/>

RESPONSE: If confirmed, I look forward to the opportunity to look at what we have learned from both the Obama-era Waters of the U.S. and the Trump-era Waters of the U.S. rules. As a state secretary, I was on the receiving end of both rules.

There is a clear opportunity now to look at how we protect our water quality while not overburdening the agricultural community and other stakeholders. While we need to assess outstanding issues and opportunities through the legal system, I do not want litigation to stifle what we can achieve. I am committed to following the science and the law. As a state regulator, the lack of certainty has been discouraging for us who are trying to get the business of our states done. I intend to look back at what we have learned, what worked and what didn't, and apply those lessons to how we move forward.

If confirmed, I will rely on the scientific and legal experts at EPA to educate me on these matters, including what scientific data are available that are relevant to Clean Water Act jurisdictional issues; I will also work collaboratively with my counterparts at the U.S. Army Corps of Engineers (Corps).

167. If confirmed, how would you resolve differences of opinion with your counterparts at the Army Corps of Engineers concerning the implementation of your respective authorities under the Clean Water Act?

RESPONSE: If confirmed, I look forward to the opportunity to look at what we have learned from both the Obama-era Waters of the U.S. and the Trump-era Waters of the U.S. rules. As a state secretary, I was on the receiving end of both rules.

If confirmed, I am committed to following the science and the law and to working collaborative with my counterparts at the Corps.

168. During the hearing, you were asked “what is the significant nexus test” and you did not answer that question.
- a. How have you, in your capacity as Secretary of the North Carolina Department of Environmental Quality, interpret the significant nexus test?
 - b. Do you agree that it is improper to use stream and wetland datasets that were not created for regulatory purposes and which have significant limitations in determining the actual jurisdictional reach of the NWPR or any subsequent rule defining “waters of the United States”?

RESPONSE: If confirmed, I will rely on the scientific and legal experts at EPA to educate me on these matters, including what scientific data are available that are relevant to Clean Water Act jurisdictional issues.

169. In December 2018, EPA and the Army Corps of Engineers launched a workgroup to be investigating needs and available resources to map Clean Water Act (CWA)

“waters of the United States.” This workgroup developed an interagency work plan and as of early January were coordinating to document requirements, mapping and modeling surface waters in four case study watersheds, and beginning efforts to more fully scope-out the aquatic resources mapping effort. Will you commit to making a decision on maintaining, repealing, or revising the Navigable Waters Protection Rule (NWPR) that is based on the best available scientific and mapping information?

RESPONSE: If confirmed, I look forward to the opportunity to look at what we have learned from both the Obama-era Waters of the U.S. and the Trump-era Waters of the U.S. rules. As a state secretary, I was on the receiving end of both rules.

If confirmed, I commit to making decisions on issues relating to Clean Water Act jurisdiction, as with all other issues, based on the law and on best available scientific information.

170. Do you agree that only a subset of discharges of pollutants to groundwater that ultimately reach a WOTUS are the “functional equivalent” of a direct discharge to WOTUS?

RESPONSE: As Secretary of NCDEQ, I have dealt with challenging groundwater contamination issues, but my North Carolina experience does not provide me with sufficient national technical or legal knowledge to speculate on this question. If confirmed, I look forward to conferring with my legal and policy team regarding the *Maui* decision and associated matters.

171. Have you been directed to repeal the NWPR?

RESPONSE: President Biden’s Executive Order on Public Health and the Environment includes review of Trump Administration actions, including the Navigable Waters Protection Rule. If confirmed, I would take action consistent with this direction, and on this issue generally, I will look back at what we have learned, what worked and what didn’t, and apply those lessons to how we move forward.

172. Have you been directed to rescind the EPA’s guidance titled “Applying the Supreme Court’s *County of Maui v. Hawaii Wildlife Fund* Decision in the Clean Water Act Section 402 National Pollutant Discharge Elimination System Permit Program”?

RESPONSE: I have not had the opportunity to review this guidance memorandum. I am aware that this action was issued at the very end of the previous Administration.

If confirmed, I look forward to conferring with my legal and policy team regarding the guidance and the *Maui* decision, and I would look forward to following the science and the law in a way that ensures we can protect water quality.

173. The West Virginia Department of Environmental Protection (WVDEP) and the staff at EPA Region III have been working collaboratively to finalize the federal review of the state's hardness-based aluminum water quality standard. West Virginia has been in this regulatory process since 2016, and it is my understanding that the next step is for Fish and Wildlife Service to conduct their final review, and they have 120 days to conclude it.
- a. If confirmed, will you commit to holding Fish and Wildlife Service to their 120-day timeline for review?
 - b. Will you also commit to ensuring EPA acts on this submittal as expeditiously as possible?

RESPONSE: As Secretary of NCDEQ, I understand the importance of state roles in the Clean Water Act process, particularly in the area of water quality standards. If confirmed, I commit to requesting an update on this issue from EPA staff, including the status of the U.S. Fish and Wildlife Service's review and any assistance EPA can provide.

174. The WIFIA program typically operates on an approximately 100-to-1 appropriations multiplier, increasing its leveraging power. A prospective municipal WIFIA project near Fargo, North Dakota, was to be constructed in close proximity to a Corps of Engineers project. A scoring concern was raised about prospective projects that may connect to an existing federal project – such as the use of an existing intake structure in an Army Corps of Engineers or Bureau of Reclamation. The concern was that the mere proximity or potential connection to an existing structure of a federal project by a prospective project resulted in that prospective project being deemed a “federal project.” A “federal project” receives a scoring of dollar-for-dollar appropriations under the Federal Credit Reform Act. The determination can render an otherwise eligible potential project – one that would be entirely designed, built, and paid for by a municipality – a “federal project,” and therefore effectively ineligible for a WIFIA loan. There have been many critics of this interpretation, and a lot of confusion in its potential implementation. Importantly, the 2020 Senate EPW-passed WRDA bill included language to rectify this scoring issue and confusion.
- a. Do you believe that just because a prospective project, otherwise entirely eligible for WIFIA funding, is near a federal project, it should automatically be effectively ineligible for participation in the WIFIA Program?
 - b. Will you commit that you will continue the practice of implementing the WIFIA program in a manner which maximizes the infrastructure benefits to the country, in the nonpartisan manner with which it has been implemented since the passage of the statute?
 - c. Will you commit to continue working with the Army Corps of Engineers and the Bureau of Reclamation to evaluate all potential opportunities to broaden the application of WIFIA to ensure maximum leveraging of funding in a way that advances holistic water policy for the country?

RESPONSE: I appreciate this background information about the intersection of the WIFIA program and federal projects. While I am aware of the WIFIA program through several projects in North Carolina selected for WIFIA funding, I am not otherwise familiar with the specifics of this issue. If confirmed, I look forward to being briefed by WIFIA program staff on this issue.

I will seek to implement the WIFIA program in a nonpartisan manner and consistent with the statute as passed by Congress. I will also look to identify opportunities for the WIFIA program to work collaboratively with the Corps and the Bureau of Reclamation, and I will ensure that any actions are consistent with EPA's legal authorities under WIFIA.

175. Will you commit to ensuring EPA's continued focus on the sustainability of America's water workforce?

RESPONSE: Yes.

176. Will you commit to continuing to implement and meet the action items documented in "America's Water Sector Workforce Initiative"?

RESPONSE: I am not familiar with the specific actions discussed in EPA's "America's Water Sector Workforce Initiative" document. If confirmed, I will discuss the Initiative with EPA staff and will consider their advice to determine the appropriate path forward.

177. Over the past four years EPA committed to partnering with the agricultural industry and to look for creative solutions to manage excess nutrients and focused on collaborative approaches to reducing excess nutrients.
- a. Do I have your commitment that if you are confirmed, you will continue to evaluate, in partnership with the agricultural community, the use of market-based approaches to manage excess nutrients?
 - b. Will you commit to continue implementing EPA's memorandum titled "Updating the Environmental Protection Agency's Water Quality Trading Policy to Promote Market-Based Mechanisms for Improving Water Quality," issued February 6, 2019?
 - c. Will you commit to continuing to support and provide financial assistance for state-led approaches that address nutrient pollution through a mix of regulatory and non-regulatory approaches?

RESPONSE: If confirmed, I look forward to pursuing pragmatic solutions for reducing nutrient pollution in a collaborative manner with the agricultural community. We can protect water quality and strengthen agricultural economies. I have not reviewed the memorandum on water quality trading, and if confirmed I will seek to learn more about this approach and related EPA efforts.

178. Water rules targeted in the President's fact sheet listing "[Federal] Agency Actions for Review" include, but are not limited to: the Navigable Waters Protection Rule, the Lead and Copper Rule, and the Clean Water Act 401 Certification Rule.
- Will you commit that if you are confirmed, any EPA rulemakings and administrative decisions will be made within the limits of EPA's statutory authorities?
 - In October 2015, EPA issued the 4th Edition of the Agency's Peer Review Handbook. Will you commit that in any Agency rulemakings or administrative decisions involving science that EPA will adhere to the Agency's Peer Review Handbook?

RESPONSE: Yes, if confirmed, I commit to ensuring that EPA's actions are consistent with the statutory authorities provided to EPA by Congress.

President Biden has already taken executive action to restore scientific integrity and evidence-based policymaking across the federal government. The President's Memorandum on Scientific Integrity and Evidence-Based Policymaking directs agencies to make evidence-based decisions guided by the best available science and data, which are central to sound policy. This Memorandum sends a clear message that the Biden-Harris Administration will protect scientists from political interference and ensure they can think, research, and speak freely to provide valuable information and insights to the American people. If confirmed, I commit to implementing this vision at EPA and I look forward to being briefed by EPA staff on EPA's peer review policy and on the Agency's scientific integrity program and considering any recommendations they have.

179. The Clean Water Act is predicated on the concept of cooperative federalism, which necessitates the Agency to work collaboratively with states, local government, and tribes to implement laws and establish regulations that allow states the flexibility to use their respective expertise in their resources in determining how best to manage and protect their resources.
- Given your prior role as the head of a state environmental agency, do you believe that states are ultimately the experts in, and therefore in the best position to, manage their own resources?
 - Will you commit to taking meetings with stakeholders and holding listening sessions to better gain a national perspective *prior* to taking action on existing regulations?
 - Will you commit to having listening sessions on rulemakings in those states that are likely to be most significantly economically impacted by said rulemakings concerning Clean Water Act issues?
 - Will you commit to notifying this Committee prior to taking actions on these rules?

RESPONSE: As both Secretary of NCDEQ and a former employee of EPA, I believe strongly in working with state partners as a foundation of the Clean Water Act and other environmental laws. With respect to Clean Water Act issues, I agree that both

EPA and states have critical roles to play in protecting water quality and facilitating flexibility.

If confirmed, I would ensure that any future regulatory actions EPA takes on Clean Water Act issues are conducted consistent with science and the law. I intend to look back at what we have learned, what worked and what didn't, and apply those lessons to how we move forward. I agree that convening stakeholder groups will be critical as we work to chart a path forward, and I commit to taking action in partnership with Congress. I understand the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with EPA staff to accommodate Congress' interests.

180. Implementing cybersecurity best practices is critical for water and wastewater utilities. Cyber-attacks are a growing threat to critical infrastructure sectors, including water and wastewater systems. Many critical infrastructure facilities have experienced cybersecurity incidents that led to the disruption of a business process or critical operation. Cyberattacks on water or wastewater utility business enterprise or process control systems can cause significant harm, such as upsetting treatment and conveyance processes, defacing the utility's website or compromising the email system, stealing customers' personal data, and installing malicious programs like ransomware. These attacks can compromise the ability of water and wastewater utilities to provide clean and safe water to American citizens. However, a number of challenges face both EPA (in partnership with the Department of Homeland Security) and water systems in ensuring the safety of this critical infrastructure sector. One challenge is that many water systems lack the necessary training for proper response to a cybersecurity attack. Another challenge is that it can be difficult for the federal government, including EPA, to fully understand the scale of cybersecurity attacks currently facing the nation's water infrastructure because there is no requirement for water systems to report cyber incidents to the federal government. Will you commit to providing updates to this Committee on the actions that you are taking to address these challenges, which are vital to the nation's critical water infrastructure?

RESPONSE: I recognize the importance of federal government leadership in the cybersecurity area, particularly in light of recent cyberattacks. Thank you for this additional context on EPA's role with respect to the water and wastewater sector. If confirmed, I look forward to being briefed by EPA staff on these issues, and to working with EPA staff to provide updates.

181. Section 404 of the Clean Water Act (CWA) establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. The Clean Water Act provides states and tribes the option of assuming the administration of the CWA Section 404 program. The Section 404 program is another example of the cooperative federalism construct which underpins the CWA.
- a. Do you agree with EPA's approval of Florida's 404 program?

- b. Will you commit to inform the Committee in a timely manner of any state you are made aware of that is considering assumption of the CWA Section 404 Program?
- c. If you receive a state program submittal will you commit to acting as expeditiously as possible, but in any event within the 120-day statutory timeline for EPA review?

RESPONSE: As both Secretary of NCDEQ and a former employee of EPA, I believe strongly in working with state partners as a foundation of the Clean Water Act and other environmental laws. And I believe that states taking the lead on implementing delegated programs as appropriate is a critical element of this framework. I am not familiar with the specific decision-making process for approving a state section 404 program, including EPA's specific conclusions regarding Florida's program. If confirmed, I look forward to being briefed by EPA staff on this process, to keeping Congress informed, and to ensuring that EPA makes decisions consistent with the criteria and timelines laid out in the Clean Water Act.

182. If confirmed, how will you ensure timely action on submittals to the Agency, including on actions on issuance of National Pollutant Discharge Elimination System (NPDES) permits, states' lists of impaired waters, and Federal Underground Injection Control (UIC) Class II permits?

RESPONSE: As a state official, I understand the importance of timeliness in EPA's review of submissions under federal environmental laws. If confirmed, I will first look to EPA staff to brief me on the criteria and processes used to review submissions, and on any process improvements they have recently undertaken or recommend.

183. Will you continue to ensure EPA's involvement in implementing the "United States Federal Strategy for Addressing the Global Issue of Marine Litter?"

RESPONSE: I believe there is a significant opportunity for EPA to continue and enhance its efforts to reduce plastic waste and marine litter, in coordination with federal agencies and other partners. Although I have not specifically reviewed the strategy highlighted in your question, I believe that EPA should continue to play an active role in this issue. If confirmed, I look forward to facilitating EPA's active involvement in this issue, in continued coordination with Congress.

184. In reviewing state water quality standards submitted to the EPA for review and approval, will you commit to ensuring the Office of Water provides reviews consistent with the legal timeframes and substantive bounds of the Clean Water Act?

RESPONSE: If confirmed, I commit to following the science and the law while reviewing state water quality standards submissions.

185. Do you believe that the cost analysis provisions of the Safe Drinking Water Act are important in considering whether and how to promulgate a National Primary Drinking Water Standard?

RESPONSE: The Safe Drinking Water Act (SDWA) requires EPA to conduct an economic analysis during the development of new drinking water contaminant regulations. I believe in following the regulatory process, including the SDWA economic analysis, as laid out in the statute passed by Congress.

186. Do you agree with several key federal court decisions, as well as the plain text of the Statute, that Congress created a “bright line” for state agencies to act on a Clean Water Act (CWA) Section 401 water quality certification request in a “reasonable period of time” and that such time shall not exceed one year?

RESPONSE: I recognize the importance of regulatory certainty, which will allow states to effectively and fairly administer, and enable project applicants to understand, Clean Water Act requirements. President Biden’s Executive Order on Public Health and the Environment includes review of Trump Administration actions, and the Clean Water Act section 401 rule is one of the Agency actions that has already been identified for review in accordance with the Executive Order. If confirmed, I commit to conducting the Agency’s work in a transparent manner and to following the law.

187. Do you agree that a state waives its CWA Section 401 certification authority if it fails or refuses to act within that reasonable period of time?

RESPONSE: If confirmed, I would look forward to being briefed by EPA counsel about this judicial decision. I recognize the importance of regulatory certainty, which will allow states to effectively and fairly administer, and enable project applicants to understand, Clean Water Act requirements. The 2020 final rule on Clean Water Act Section 401 is one of the agency actions that has already been identified for review in accordance with President Biden’s Executive Order Executive Order on Public Health and the Environment. If confirmed, I commit to conducting this and other Agency work in a transparent manner and to following the law.

188. Do you agree that the reasonable period of time commences upon the state’s receipt of the request for the Section 401 certification?

RESPONSE: I recognize the importance of regulatory certainty, which will allow states to effectively and fairly administer, and enable project applicants to understand, Clean Water Act requirements. If confirmed, I would look forward to being briefed by EPA staff about the state certification issue that you raise. 2020 final rule on Clean Water Act Section 401 is one of the agency actions that has already been identified for review in accordance with President Biden’s Executive Order Executive Order on Public Health and the Environment. If confirmed, I

commit to conducting this and other Agency work in a transparent manner and to following the law.

189. Do you believe the scope of a state's review of a request for a CWA Section 401 certification should be limited to water quality issues, consistent with the statutory framework in which the certification provision resides, as opposed to relying on other factors like completion of an environmental review process under the National Environmental Policy Act, property interest, recreational or other access improvements, climate change, or a state's clean energy goals?

RESPONSE: I recognize the importance of regulatory certainty, which will allow states to effectively and fairly administer, and enable project applicants to understand, Clean Water Act requirements. If confirmed, I would look forward to being briefed by EPA staff about the state certification issue that you raise. The 2020 final rule on Clean Water Act Section 401 is one of the agency actions that has already been identified for review in accordance with President Biden's Executive Order Executive Order on Public Health and the Environment. If confirmed, I commit to conducting this and other Agency work in a transparent manner and to following the law.

190. In your February 3 Confirmation Hearing with this Committee and during your exchange with Senator Wicker, you two were discussing the interplay between technical support and compliance with water quality standards. You stated "I think everyone is struggling across the country, sir."
- a. With what, specifically, were you referring to "everyone struggling"?
 - b. If you were referring to meeting water quality standards, which specific water quality standards were you referring to?

RESPONSE: During my conversation with Senator Wicker, I was intending to convey the critical need for water infrastructure investment across the United States, particularly for small drinking water and wastewater systems. As Secretary of NCDEQ, I promoted a collaborative approach to problem solving, literally meeting communities where they live, work, and serve and with a commitment to building consensus with pragmatic solutions, and I look forward to doing the same across the nation if confirmed as EPA Administrator. The Biden-Harris plan for water infrastructure investment represents a critical opportunity to provide tools and resources for these communities all over the country in order to improve water quality and ensure communities can develop and thrive economically.

191. If you are confirmed, will you seek an all-out prohibition or ban on hydraulic fracturing?

RESPONSE: No.

192. If confirmed, do I have your commitment to apprise this Committee about any potential new actions related to the regulation of hydraulic fracturing prior to taking any potential actions?

RESPONSE: If confirmed, I commit to keeping Congress informed about EPA's actions, including any such actions with respect to hydraulic fracturing.

193. If confirmed, do I have your commitment that you will continue to work with states seeking primacy for Underground Injection Control (UIC) Class II programs, including working towards helping them obtain primacy where consistent with EPA's statutes and implementing regulations?

RESPONSE: Yes.

194. Does EPA plan to evaluate the effectiveness of in-home water treatment technologies for contaminants found in drinking water?

RESPONSE: I am not aware of any specific efforts in this area. If confirmed, I will confer with EPA staff and legal counsel on this issue.

195. Do agree not to retroactively or preemptively veto permits issued under section 404(c) of the Clean Water Act?

RESPONSE: As Secretary of NCDEQ, I am not familiar with the criteria and history associated with EPA's use of its authority under section 404(c) of the Clean Water Act. If confirmed, I would look forward to being briefed by EPA staff and counsel about the 404(c) issue you raise.

196. Superfund epitomizes EPA's mission to protect communities across the country. This program can improve people's lives by cleaning up contamination and providing the opportunity to transform communities. It was refreshing to see the last Administration's focus and emphasize on this critical program, including through the listing of a priority site in Minden, West Virginia.
- a. Will you continue to make the Superfund program a key priority, specifically with the goal of continuing to remove Superfund sites from the National Priorities List through successful mitigation?
 - b. Will you commit to visit the site in Minden, West Virginia to make sure that it remains a key EPA priority?

RESPONSE: If confirmed, I will continue the Agency's efforts in cleaning up and deleting contaminated sites from the National Priorities List (NPL). I believe that community involvement is integral to informing site cleanup decisions. As we discussed at the hearing, I would welcome the opportunity to come to West Virginia to better understand how EPA's work affects its communities.

197. One significant outcome of the Superfund Task Force recommendations was the creation of the Administrator's Emphasis List. The list consists of sites that can benefit from the Administrator's direct engagement to spur action at sites where opportunities exist to act quickly and comprehensively. Given competing demands and limited time, this tool has proven effective at efficiently elevating issues to ensure continual progress at Superfund sites across the country. EPA recently issued a report on the success of the Administrator's Emphasis List over the last four years, showing that the list helped EPA achieve the critical milestones at 28 sites to move cleanups forward. Will you continue utilizing the Administrator's Emphasis List to ensure issues preventing progress of cleanups are quickly elevated to your attention and resolved?

RESPONSE: If confirmed, I commit to working with EPA's Office of Land and Emergency Management, EPA Regions, and community stakeholders to ensure a continued focus on cleaning up and deleting contaminated sites from the NPL. With respect to the Administrator's Emphasis List, I commit to discussing this with EPA staff and considering their advice to determine the appropriate path forward.

198. Adaptive Management can be a particularly useful tool at large or complex Superfund sites as it requires developing a site strategy that acknowledges uncertainties but establishes measurable decision points to evaluate learned data and information and adapt if needed. This results in expedited cleanups, which is critical for addressing immediate risks, and helps ensure the remedy is effective as opposed to allowing uncertainties to prevent progress and leave sites languishing for years. This approach is particularly effective at contaminated sediment and complex groundwater sites.

EPA indicated it would finalize Adaptive Management Guidance by December 2019, but the Agency has yet to publish it. If confirmed, will you commit to finalize and implement the Guidance?

RESPONSE: If confirmed, I commit to conferring with the legal and policy team to be briefed on the status of the Guidance.

199. North Carolina Department of Environmental Quality touts the recent settlement agreement with a large energy producer as the largest coal ash cleanup in the country. While the settlement will reduce the amount borne by ratepayers, the reality remains that North Carolina ratepayers will bear some cost of the cleanup. That may not be economically feasible for all utilities nor all states.
- Do you see this as a model for your national approach to coal ash cleanups?
 - Should associated costs be borne by ratepayers, as in North Carolina?
 - Given your familiarity with coal ash cleanups, do you support EPA's recently promulgated regulations addressing management of coal ash?
 - Do you plan to further regulate coal combustion residuals?
 - Does the coal ash cleanup in North Carolina include beneficially using any of the coal ash being handled?
 - If so, did North Carolina encourage that?

RESPONSE: In light of my experience at NCDEQ, I know how important it is for the federal government to engage in a collaborative manner, in partnership with state and local governments who know their communities better than the federal government ever could.

If confirmed, I am committed to reviewing all input related to EPA’s Coal Combustion Residuals guidance and regulations. I also intend to continue engaging with stakeholders in order to ensure improved regulation of coal ash. I would look forward to following the science and the law in a way that ensures we can protect our communities.

I also intend to continue engaging with states, tribes, and federal agencies as any update efforts proceed.

200. Coal ash has several beneficial uses, including being used for the manufacture of concrete and wallboard. According to the Agency, “EPA supports the responsible use of coal ash in this manner.”⁵ In December 2020, EPA released a notice seeking information and data related to the beneficial use of coal ash. That comment period ends February 22, 2021. What is EPA’s timeline for reviewing all comments and finalizing a rule?

RESPONSE: If confirmed, I am committed to reviewing all input related to EPA’s Coal Combustion Residuals guidance and regulations, including the notice you reference. I also intend to continue engaging with stakeholders in order to ensure improved regulation of coal ash. I would look forward to following the science and the law in a way that ensures we can protect our communities.

201. According to EPA’s responses to recent Questions for the Record from EPW Committee members, “the Agency has been working extensively with individual states to establish or revise their regulatory programs in preparation of the state’s submittal for program approval to operate in lieu of the federal program.” The executive-ordered political review of completed regulations for coal combustion residuals should not take time and resources away from these important federal-state partnerships. Revisiting completed regulations and further delaying approval of state permitting programs prolongs uncertainty among industry and states. Do you commit to completing any pending technical assistance for these state programs and completing review of all state programs currently with EPA prior to revisiting any completed regulations?

RESPONSE: If confirmed, I am committed to reviewing all input related to EPA’s Coal Combustion Residuals guidance and regulations as well as working with states to review individual permitting programs.

202. EPA’s Brownfields grants provide communities an opportunity to transform contaminated sites into community assets. According to EPA, communities that received

⁵ <https://www.epa.gov/coalash/frequent-questions-about-beneficial-use-coal-ash#:~:text=All%20Close%20All-Beneficial%20Use%20under%20the%20Final%20CCR%20Disposal%20Rule,coal%20ash%20in%20this%20manner.>

Brownfields grants successfully leveraged 8.5 jobs per \$100,000 of Brownfields grant funds spent. This program provides critical opportunities to under-served and economically disadvantaged communities for sustained economic benefits. Prioritizing the issuance of Brownfields grants to areas in opportunity zones can make these areas more attractive for economic development and bring private investment. Will you commit to prioritizing this important program?

RESPONSE: North Carolina has an active brownfields program and I've seen the benefits of land reuse done in a manner that is safe for the public while helping the local community establish jobs, increase the tax base, and improve the quality of life in the surrounding neighborhood. If confirmed, I am committed to prioritizing brownfields in partnership with our federal, state, tribal, and community partners to assess, safely clean up, and sustainably reuse contaminated properties.

203. During your nomination hearing, Senator Merkley asked if you would take a close look at the Presidential Plastics in Action Plan, a plan put together by non-profit organizations urging President Biden to take "eight key executive actions to solve the plastic pollution crisis." You responded that you would "take a close look at it...evaluate EPA's role and...partner with you on advancing that." Are you going to advocate that President Biden take the actions outlined in the Plan?

RESPONSE: Coming from a coastal state, I understand the impacts of plastics on the marine environment and coastal communities, and if confirmed, I commit to working with all stakeholders to build healthier communities through environmental stewardship. I will review the plan referenced in your question before deciding what if any actions I would recommend.

204. Last month, EPA met a major milestone by completing the first 10 TSCA risk evaluations, serving as a guide for future risk evaluations.
- Do you think EPA's implementation of the Lautenberg Act over the past four years is a reasonable approach?
 - Will EPA continue to collaborate with industry to create more robust TSCA risk evaluations and risk management of existing chemicals?
 - Are you committed to meeting all statutory deadlines in the Lautenberg Act?

RESPONSE: The Senate EPW Committee showed leadership in passing much-needed changes to TSCA—America's primary chemical safety law. President Biden's *Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* requires EPA to review Trump Administration actions, including risk evaluations for chemical substances under TSCA. If confirmed, I will work with this committee to implement strong chemical safety protections with a much-needed emphasis on safeguarding workers who manufacture or handle chemicals and reducing the potential disproportionate impact such chemicals have on people of color and low-income and indigenous communities.

205. If confirmed as EPA Administrator, where specifically will PFAS rank within your priorities?

RESPONSE: President Biden has highlighted the importance of and his commitment to tackling PFAS pollution and protecting public health and the environment. If confirmed, I am committed to addressing PFAS as a top priority for EPA.

206. With competing priorities across the Agency and limited resources, what would your first significant action be to address PFAS?

RESPONSE: President Biden has highlighted the importance of and his commitment to tackling PFAS pollution and protecting public health and the environment. If confirmed, I am committed to addressing PFAS as a top priority for EPA. I would also seek to learn more from EPA's scientific and legal experts on what options EPA would have under each of its environmental statutes to limit PFAS discharges to the environment. I am not yet familiar with the specific timelines and processes for the actions I might undertake, so it would be premature for me to speculate on the specific timing of any of these processes at this time.

207. Will you continue to deliver on the commitments EPA made under the PFAS Action Plan?

RESPONSE: President Biden has highlighted the importance of and his commitment to tackling PFAS pollution and protecting public health and the environment. If confirmed, I am committed to addressing PFAS as a top priority for EPA, as I did in my position as Secretary of NCDEQ. I am not familiar with all of the steps articulated in EPA's PFAS Action Plan, but if confirmed, I will discuss the Action Plan with EPA staff and consider their advice to determine the appropriate path forward.

208. On January 15 2021, EPA signed the Agency's determination to regulate PFOA and PFOS, two particular compounds from the larger class of PFAS, under the Safe Drinking Water Act.

- a. Are you committed to seeing through the remainder of the process to establish a National Primary Drinking Water Standard under the Safe Drinking Water Act?
- a. Will you commit to consider the impacts on rural water systems, including cost, in setting any standards?
- b. Will you commit to following the Administrative Procedure Act, ensuring the important principles and practices of public comment are followed?

RESPONSE: If confirmed, I commit to moving forward with the processes for determining whether to regulate PFAS under the Safe Drinking Water Act. With respect to the January 15, 2021, regulatory determination, I am aware that this action was issued at the very end of the previous Administration. It is currently

undergoing review in accordance with the Regulatory Freeze Pending Review Memorandum that White House Chief of Staff Ronald Klain issued on January 20, 2021. I also commit to following the processes specified in the Safe Drinking Water Act for determining whether to regulate and set National Primary Drinking Water Regulations for PFAS chemicals and other drinking water contaminants, and to following associated provisions of the Administrative Procedure Act.

209. EPA issued an Advance Notice of Proposed Rulemaking (ANPRM) on January 14, 2021 to gather public comment and data to inform EPA's ongoing evaluation of PFOA and PFOS. Under Chief of Staff Ronald Klain's "Regulatory Freeze Pending Review" memorandum, the ANPRM was withdrawn from the Office of Federal Register since it had not yet been published.
- a. Do you move forward with publishing that ANPRM for a 60-day comment period to give the public an opportunity to provide input and to help collect critical information where EPA has identified gaps?

RESPONSE: I am aware that this action was issued at the very end of the previous Administration and was not published in the Federal Register. I understand it is currently undergoing review in accordance with the Regulatory Freeze Pending Review Memorandum that White House Chief of Staff Ronald Klain issued on January 20, 2021. If confirmed, I am committed to addressing PFAS as a top priority for EPA, as I did in my position as Secretary of NCDEQ.

210. What is your preferred uniform scientific definition of perfluoroalkyl and polyfluoroalkyl substances (PFAS)?
- a. If you do not have one, will you commit to work with all interested stakeholders to create a scientifically-sound and consistent definition of PFAS to be used Agency-wide?

RESPONSE: I do not have a preferred uniform scientific definition of PFAS. If confirmed, I would rely on the scientific experts at EPA to educate me on these matters, and I would consider their advice to determine the appropriate path forward, including on whether to convene independent scientific experts.

211. As the top environmental regulator in North Carolina, what was your position on how to assess PFAS: as individual PFAS compounds, in groups, or as an entire class?

RESPONSE: As Secretary of NCDEQ, I know all too well the devastating impacts the lack of action on PFAS can have on public health, the environment, and our local communities. President Biden has highlighted the importance of and his commitment to tackling PFAS pollution and protecting public health and the environment. During my confirmation hearing, I highlighted the need to have a full accounting of how these forever chemicals are entering our water, our air, and our land, and to pursue all avenues to address PFAS. If confirmed, I would seek to learn

more from EPA's scientific and legal experts on what options EPA would have under each of its environmental statutes to mitigate PFAS.

212. During your dialogue with Senator Gillibrand in your February 3 hearing before this committee, you stated (with respect to addressing PFAS), "[w]e will pursue discharge limits" and "[w]e will pursue water quality values." As we have all learned, accurate communication with respect to a contaminant such as PFAS, which has garnered such significant public interest and concern, is vital.
- a. To what types of "discharge limits" were you referring?
 - b. Which PFAS will you be looking to set those "discharge limits" for and from what sources?

RESPONSE: During my confirmation hearing, I stated that PFAS will be a top priority, and that EPA needs to take a multifaceted approach to address the PFAS entering our water and our air. EPA is considering how to limit PFAS being discharged into waterways by setting effluent guidelines, as well as developing water quality criteria for certain PFAS like PFOA and PFOS. If confirmed, I look forward to being briefed by EPA's scientific experts on the status of these efforts and how we can work collaboratively with key stakeholders on establishing discharge limits and water quality criteria.

Senator Capito for Senator Barrasso:

213. Secretary Regan, before serving in your role as NC DEQ Secretary, you served as the Environmental Defense Fund (EDF) Vice President for Climate and the Southeast Regional Director.
- a. Do you intend to recuse yourself from issues where EDF petitions or otherwise lobbies the Agency?
 - b. If not, please provide an explanation why you believe it is proper for you to engage with a former employer directly engaging with the EPA.
 - c. If not, please provide further details on how you intend to assure the American public that you are not beholden to your former employer even though you refuse to recuse yourself from matters where they are involved

RESPONSE: I take seriously my ethical obligations as a public servant and, if confirmed, I expect to work with EPA's Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations. While at the Environmental Defense Fund, I exclusively worked for their 501(c)(3).

214. The Committee questionnaire asks for disclosure regarding any business relationship, dealing or financial transaction with 501(c)(4) organization in the last ten years. You

responded “none.” Didn’t you work with EDF – of which EDF Action, a 501(c)(4), is “the advocacy partner” – in the last ten years?

RESPONSE: I take seriously my ethical obligations as a public servant and, if confirmed, I expect to work with EPA’s Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations. While at the Environmental Defense Fund, I exclusively worked for their 501(c)(3).

215. Secretary Regan, your questionnaire to the Senate failed to disclose a number of positions noted in your public biography for the North Carolina Department of Environmental Quality. These include your positions on a number of boards as well as your private consulting business. This poses serious concerns about our ability to understand any conflicts of interest you may have.
- a. Why didn’t you disclose these on your forms?
 - b. Do you understand that the members of this Committee require transparent and open disclosure of information requested in order to conduct oversight?

RESPONSE: I take seriously my ethical obligations as a public servant and, if confirmed, I expect to work with EPA’s Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations.

M. Regan & Associates was an entity I created prior to my appointment as Secretary of NCDEQ. It was active for only five months beginning in 2016, and during that time, it did not have any clients or generate any income. I dissolved it prior to my 2017 appointment. I was advised not to include it as “employment.” I have been assured by EPA ethics counsel that M. Regan & Associates does not present any federal ethics concerns whatsoever.

I dissolved my board memberships boards before joining the State of North Carolina as Secretary of the Department of Environmental Quality in 2017. I have been assured by EPA ethics counsel that my prior involvement in these boards does not present any federal ethics concerns whatsoever.

I understand the importance of Congress’ need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with EPA staff to accommodate Congress’ interests.

216. Secretary Regan, Wyoming leads the United States in uranium production. Our American uranium helps power American nuclear reactors. Those reactors generate over half of our carbon free energy. On the final day of the Obama Administration, EPA proposed a midnight rule to regulate how this uranium is produced. This punishing proposal would have made it too expensive, with no environmental benefit, to produce American uranium. American production would shut down and our utilities would buy more nuclear fuel from countries like Russia. The non-partisan,

independent nuclear safety regulator, the Nuclear Regulatory Commission, also took issue with EPA's midnight rule. It stated there was no health or safety justification for this rule. The rule interfered with NRC's jurisdiction over uranium recovery activities. At my request, EPA and NRC signed a Memorandum of Understanding last year to clarify the respective agencies' jurisdiction over these activities.

- a. Secretary Regan, if confirmed, will you commit that EPA will adhere to the Memorandum of Understanding with NRC?
- b. The NRC is currently reviewing its regulations on uranium recovery activities. Secretary Regan, will you commit that EPA will not revise its regulations, until NRC completes its ongoing review?

RESPONSE: If confirmed, I would look forward to being briefed by EPA staff on EPA's legal authorities regarding uranium recovery activities and what actions may be appropriate on this issue.

217. On his first day in office, President Biden revoked the permit for the Keystone XL pipeline. This is a project that brings 8,000 American union jobs with it.
- a. Did President Biden or his advisors seek your counsel before revoking the Keystone XL permit?
 - b. Did you encourage the President to revoke the permit and, if so, what was your rationale for killing jobs on day one?
 - c. How is this decision consistent with the President's goal of fostering stronger relations with Canada, reducing our vulnerability to OPEC and our foreign adversaries, and putting Americans back to work?

RESPONSE: Since I am not a confirmed member of President Biden's Administration, he did not consult me on his Keystone XL decision. As a general matter, any job lost is a hardship for a family, and that's not something that I take lightly. President Biden has put jobs at the center of his Build Back Better and climate agenda, which lays out a vision for good-paying union jobs to build the infrastructure we need to maintain U.S. competitiveness, restore U.S. climate leadership, and move us to a clean energy economy. The President recognizes that we need to help workers affected by this transition. If confirmed, I look forward to working as part of the President's team as we work to position U.S. workers to secure jobs in deploying clean energy and building modern, resilient infrastructure while we invest in disadvantaged and underserved communities.

218. Since President Obama first rejected the Keystone XL pipeline in 2015, shipments of crude oil by rail have nearly tripled.

- a. Is it generally safer to transport crude oil by pipeline or rail?
- b. Is it the policy of the Biden administration to revoke permits for cross-border oil pipelines and encourage more crude-by-rail shipments?

RESPONSE: EPA does not have authority to permit cross-border oil pipelines.

219. Section 102(b)(6)(B)(ii) in Division S of the Consolidated Appropriations Act of 2021 requires the EPA Administrator, no later than one year after enactment, in consultation with the Secretary of Energy, to establish a program to provide financial awards on a competitive basis for direct air capture (DAC) from media in which the concentration of carbon dioxide is dilute. This is the text of the USE IT Act, which was supported in bipartisan fashion by the members of this Committee. Do you commit to ensuring the agency will establish a DAC prize within the time period established by the USE IT Act as enacted?

RESPONSE: I am not personally familiar with the specific provisions of the Consolidated Appropriations Act of 2021 described above. If confirmed, I will ask EPA staff to brief me on any obligations the Agency may have from the USE IT Act. I will follow the law and science.

220. Section 102(b)(6)(C)(ii) in Division S of the Consolidated Appropriations Act of 2021 requires the EPA Administrator, no later than one year after the enactment of the USE IT Act, in consultation with the Secretary of Energy, and, as appropriate, with the head of any other relevant federal agency and relevant stakeholders, to prepare, submit to Congress, and make publicly available a report that includes—
- (I) A comprehensive identification of potential risks and benefits to project developers associated with increased storage of carbon dioxide captured from stationary sources in deep saline formations, using existing research;
 - (II) Recommendations for managing the potential risks identified under subclause (I), including potential risks unique to public land; and
 - (III) Recommendations for federal legislation or other policy changes to mitigate any potential risks identified under subclause (I).

Do you commit to ensuring the agency will release and submit this report within the time period established by the USE IT Act?

RESPONSE: I am not personally familiar with the specific provisions of the Consolidated Appropriations Act of 2021 described above. If confirmed, I will ask EPA staff to brief me on any obligations the Agency may have from the USE IT Act. I will follow the law and science.

221. Section 102(c)(1) in Division S of the Consolidated Appropriations Act of 2021, which amends Subtitle F of Title IX of the Energy Policy Act of 2005 (42 U.S.C. 16291 et seq.), requires the Secretary of Energy, in consultation with the EPA

Administrator, to carry out a program of research, development, demonstration, and commercialization relating to carbon dioxide utilization. Do you commit to working on consultation with the Secretary of Energy to establish this program in a reasonable timeframe?

RESPONSE: I am not personally familiar with the specific provisions of the Consolidated Appropriations Act of 2021 described above. If confirmed, I will ask EPA staff to brief me about its requirements, including any obligations EPA may have to work with the Secretary of Energy.

222. Section 102(c)(1) in Division S amends Subtitle F of Title IX of the Energy Policy Act of 2005 (42 U.S.C. 16291 et seq.) by creating a “Carbon Utilization Program.” The legislation requires the Secretary of Energy, in consultation with the EPA Administrator, to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to conduct a study that assessed the barriers and opportunities relating to the commercial application of carbon dioxide in the United States. Do you commit to working on consultation with the Secretary of Energy to conduct this study in a reasonable time frame?

RESPONSE: I am not personally familiar with the specific provisions of the Consolidated Appropriations Act of 2021 described above. If confirmed, I will ask EPA staff to brief me about its requirements, including any obligations EPA may have to work with the Secretary of Energy.

223. Section 102(c)(1) also inserts after section 968, “section 969 Carbon Utilization Program” and requires that not later than 180 days after the enactment of the USE IT Act, the Chair of the Council on Environmental Quality, in consultation with the EPA Administrator, the Secretary of Energy, the Secretary of Interior, the Secretary of Transportation, the Executive Director of the Federal Permitting Council, and the head of any other relevant Federal agency (as determined by the President), shall prepare a report that—
- (I) Compiles all existing relevant Federal permitting and review information and resources for project applicants, agencies, and other stakeholders interested in the deployment and impact of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, including—
 - (aa) the appropriate points of interaction with Federal agencies;
 - (bb) clarification of the permitting responsibilities and authorities among Federal agencies; and
 - (cc) best practices and templates for permitting in an efficient, orderly, and responsible manner, including through improved staff capacity and training at Federal permitting agencies;
 - (II) Inventories current or emerging activities that transform captured carbon dioxide into a product of commercial value, or as an input to products of commercial value

- (III) Inventories existing initiatives and recent publications that analyze or identify priority carbon dioxide pipelines needed to enable efficient, orderly, and responsible development of carbon capture, utilization, and sequestration projects at increased scale;
- (IV) Identifies gaps in the current Federal regulatory framework for the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines;
- (V) Identifies Federal financing mechanisms available to project developers; and
- (VI) Identifies public engagement opportunities through existing laws, including under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

The CEQ Chair shall submit the report under clause (i) to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce, the Committee on Natural Resources, and the Committee on Transportation and Infrastructure of the House of Representatives and as soon as practicable, make the report publicly available.

In addition, after submission of the report under subparagraph (B)(ii), but not later than 1 year after the date of enactment of this Act, the Chair shall submit guidance consistent with that report to all 12 relevant Federal agencies that—

- (I) Facilitates reviews associated with the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines; and
- (II) Supports the efficient, orderly, and responsible development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines.

Do you commit to working in consultation with the CEQ Chair and other heads of federal agencies to release the report within the 180-days-from-enactment deadline set by the USE IT Act?

RESPONSE: I am not personally familiar with the specific provisions of the Consolidated Appropriations Act of 2021 described above. If confirmed, I will ask EPA staff to brief me about its requirements, including any obligations EPA may have from the USE IT Act. I will follow the law and science.

224. Last year, California announced its intention to ban internal combustion engine (ICE) vehicles by 2035. Earlier this month, a report from the California Energy Commission found that if California wants to achieve this 2035 goal, the state will need to have 8 million electric vehicles on the road by 2030, a 948 percent increase over current EV deployment. You can be sure that if California's waiver to set its own fuel economy standards is reinstated, those standards will be written as stringently as possible. Restoring California's waiver to set its own fuel economy standards under these command-and-control regulatory pretenses would be disastrous. In West Virginia,

only 218 electric vehicles were sold in 2018. Americans want the freedom to choose what type of car they drive, best suited to their needs and the requirements of where they live. They do not want the federal government making that decision for them.

- a. Are you concerned that restoring California's waiver authority will tilt the market towards EVs despite a lack of consumer demand?
- b. If consumer interest fails to shift, could higher prices for new vehicles and sales bans of ICE vehicles lead Americans to hold onto older and more emissive vehicles for longer? If so, what would that mean for overall emissions from the transportation sector
- c. Do you agree that Americans should have the freedom to choose the cars they want to drive?
- d. Do you agree that California's 2035 EV mandate will imbalance the national auto market?
- e. Do you think it is feasible to have a fully electric vehicle fleet by 2035 without heavy-handed regulatory mandates, costly taxpayer subsidies, or both?

RESPONSE: If confirmed, I look forward to working with states, labor, the automobile industry, and other stakeholders to craft federal emission standards for new vehicles that are cost effective, reduce pollution, and save consumers money at the pump. I will follow the law and science.

225. A Berkeley city deputy attorney commented during arguments on February 2, 2021, that the law banning natural gas in Berkeley, CA is timely as "there's a realistic possibility there will be no natural gas utilities" in the nation under the Biden administration's stated intentions to eliminate fossil fuels by 2035. More than 4.1 million jobs are connected to the natural gas industry. Natural gas utilities serve 180 million Americans with energy every day to power their households and businesses. Natural gas is the lowest cost energy source for homes, according to the Department of Energy, while leading the US in greenhouse gas emissions reductions.
- a. As stated by the Berkeley attorney, is it the Biden Administration's intention to eliminate natural gas in the next 14 years?
 - b. Is there a realistic possibility of removing the lowest-cost energy source from homes, businesses, industry, transportation, and power, along with the millions of jobs provided, in the next 14 years?
 - c. What would be the impacts of forcing people, especially those in low-income communities, to switch from a reliable and, more importantly, an affordable energy source to more expensive options?

RESPONSE: President Biden has committed to achieving a carbon pollution-free power sector by 2035 and has put jobs at the center of his climate agenda. In his Build Back Better plan, he has laid out a vision for delivering good-paying union jobs, economic growth, and cost savings for consumers while building the infrastructure we need to maintain U.S. competitiveness, restore U.S. climate leadership, and move us to a more resilient, clean energy economy. The President recognizes that we need to help some workers during this transition to clean energy and is committed to investing in the communities that need it most. If confirmed, I look forward to working as part of the President's team to implement the Build Back Better agenda.

Senator Capito for Senator Rounds:

226. Mr. Regan, the biofuels industry has been hit hard by recent regulatory decisions by the EPA and the sharp decline in fuel demand across the country due to COVID-19. As we experience biofuel plant closures and slowdowns, another casualty has been investments into new and innovative approaches to liquid fuels.

Unfortunately, it appears the EPA has ceased the approval of registrations for cellulosic biofuel, including fuels derived from corn kernel fiber. Although the RFS requires the EPA to approve applications validated by peer review, many applications have been left languishing for years. This has prevented the approval of cellulosic fuels that add value to the corn crop and increase margins for ethanol producers while reducing carbon emissions.

Will you commit to following the standard of review laid out in the RFS statute and approve backlogged corn fiber biofuel registrations validated by peer review?

RESPONSE: I am not familiar with this specific issue. If confirmed, I will investigate it and will work with EPA staff to address any backlog identified and review the process, as appropriate.

227. Mr. Regan, biofuels like ethanol and biodiesel are big economic drivers in my state. But stable and predictable policy for these important job creators has been tough to come by. First, they had to deal with an Obama-era RFS interpretation that tried to redefine demand as supply, a concept that was roundly rejected by the courts and still has not been implemented by the EPA. In the last Administration, we had an increase in exemptions granted to oil refineries that has since been reined in by Circuit courts, and now sits before the Supreme Court. What has been clear is that for the last 8 years, there has not been enough consistency in this policy.

Can you commit that the EPA under your leadership will work towards getting this policy back on track, meeting deadlines and following the law as written by Congress?

RESPONSE: If confirmed, I will confer with my legal and policy team to understand all options before me regarding the RFS program, and in this specific case, ensuring timely decisions based upon the laws Congress has enacted.

228. Mr. Regan, as you know, the EPA will soon begin its role in helping craft the next round of fuel economy standards, and according to some press reports, may even re-evaluate some of the existing standards as well. This is a great opportunity to make certain all available pathways to increase mileage and lower emissions are considered and prioritized for new vehicles. My home state of South Dakota is not likely to be on the early side of adopting electric vehicles, but I do see a role we can play in helping meet these standards – through high octane fuels like ethanol. Ethanol blends increase octane, a necessary component to increase engine efficiency and get more miles per gallon of fuel.

Will you commit to working with members of Congress and the biofuels industry to make certain CAFE rulemakings recognize the important value of octane and for the first time ever establish a national octane standard for vehicle fuels?

RESPONSE: EPA's light duty vehicle greenhouse gas emission standards will play an important role in addressing climate change in this Administration. If confirmed, I will ensure that agriculture will have a seat at the table as EPA addresses this and other issues related to vehicle emissions and climate change.

229. Mr. Regan, in October 2018, the oversight subcommittee I chaired held a hearing on the use of sound science at the EPA. During the hearing, we heard testimony from experts on the importance of transparency in making certain that the EPA was relying on the best available science to guide their regulatory decisions. The hearing yielded important information for the record, and highlighted both the strengths and weaknesses of the Trump Administration's approach to regulatory science.

I believe that robust congressional oversight ought to be applied to the executive branch, no matter which party is in control. Hearings should be fact finding missions, not simply an opportunity to sell an agenda. This committee and its subcommittees will likely request both you and your subordinates to appear as witnesses in the future.

If confirmed, what process will you implement to consider congressional requests of this type, and will you implement a similar process to determine whether or not to participate in meetings with senators?

RESPONSE: I understand the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with EPA staff to accommodate Congress' requests.

Senator Inhofe:

230. Secretary Regan, as the top environmental regulator in North Carolina, one of your responsibilities included reviewing permit requests from pipeline developers. As you recall, in 2018, you approved a permit for the Atlantic Coast Pipeline. But last year, you denied a permit for the Mountain Valley Pipeline. While FERC and PHMSA are the primary regulators of pipelines, it's still important to fully understand your approach to pipeline development. Secretary Regan, will you elaborate on your approach to pipelines and other fossil energy development? Do you agree with a past statement by the President's nominee for Secretary of Energy that we ought to, "...keep fossil energy in the ground..."?

RESPONSE: My approach at NCDEQ has been to consider each infrastructure project on its merits and on a case-by-case basis. If confirmed, I will weigh in on projects to the extent required by law or at the direction of the President. I will follow the science and law in all decisions.

231. Secretary Regan, in 2019, natural gas was the largest source of electric power generation in the United States. The increased use of natural gas has also led to a significant expansion in American jobs and a reduction in the cost of electricity in American homes. The increased use of natural gas in the power sector has also allowed our country to greatly reduce emissions nationwide. According to data from the U.S. Energy Information Administration, between 2005 and 2009, carbon dioxide emissions from the U.S. power sector declined by 33 percent with natural gas accounting for more than half of those reductions. It is also clear that natural gas plays a vital role in ensuring U.S. electric grid reliability as more renewable generation comes online as renewables are more susceptible to intermittency issues. Secretary Regan, do you agree that natural gas is a vital and necessary source of electric power generation in the United States? And do you agree that the expanded use of natural gas in the power sector has contributed to the reduction in cost of electricity for American families?

RESPONSE: Natural gas plays an important role in our electricity sector; its production and use also cause pollution and contribute to climate change. President Biden has committed to achieving a carbon pollution-free power sector by 2035. If confirmed, I will work with my legal and policy teams to consult with industry and other critical stakeholders to determine the best way to achieve that goal, in line with the law and science.

232. Secretary Regan, the Consolidated Appropriations Act of 2021 (P.L. 116-260) was signed into law in December 2020. The joint explanatory statement of Division G, which provides appropriations for the EPA, among other agencies, includes report language directing the EPA to brief the Appropriations Committees within 60 days of enactment regarding the actions the EPA plans to take in response to potential changes to emission standards established under section 111(b) of the Clean Air Act to facilitate the greater use of quick start stationary combustion turbines which are needed to accommodate the

increased use of renewable resources in the power sector. As you know, the increased use of renewables elevates the risk of intermittency issues for renewable energy generation. This is a significant issue impacting the 14 states of the Southwest Power Pool, including Oklahoma. Moreover, as the need for the use of quick start generators increases, the 111(b) limitations on those types of generators limits their use, thus creating a predictable conflict between the increased use of renewables and system reliability. Secretary Regan, if confirmed, will you ensure the aforementioned report is provided to Congress and done so in a timely manner? Will you also provide me with a copy of this report? And will you commit to working with the Southwest Power Pool and other concerned parties on this issue so we can arrive at an appropriate resolution to this issue?

RESPONSE: If confirmed, I will endeavor to ensure the briefing Congress specified in the Consolidated Appropriations Act of 2021 regarding quick start stationary combustion turbines is provided in a timely manner. If staff produce a report to support this required briefing, EPA will provide your office with a copy. And, if confirmed, I expect EPA to consider the views of interested stakeholders as appropriate.

233. Secretary Regan, one of the best examples of a successful, price-competitive market that directly benefits consumers is the retail gasoline market. Consumers are able to compare the price of gas when visiting different gas stations, allowing them to comparison-shop to effectively acquire affordable gas. As you know, there are significant challenges and discussion with regard to the electricity market as it relates to electric vehicle charging. Secretary Regan, with regard to the electric vehicle charging market, do you think there should be a competitive marketplace that delivers fair pricing benefits to consumers – similar to what the gas market currently provides for consumers? If so, how would EPA play a role, compared to other appropriate federal agencies?

RESPONSE: I am not familiar with EPA's role in regulating electricity charging markets. If confirmed, I will consult with EPA's legal team to clarify what, if any, role EPA might have, and to consider the questions you have raised.

234. Secretary Regan, the issue of small refinery exemptions (SREs) is of great importance for many states, including Oklahoma. As you know, the Clean Air Act exempts small refiners facing “disproportionate economic hardship” from complying with the Renewable Fuel Standard (RFS). The Supreme Court of the United States has taken up the case, *HollyFrontier v. EPA*, which could impact SREs. Secretary Regan, if confirmed, will you commit to delay any action on SREs until after the Supreme Court has issued its decision in the aforementioned case?

RESPONSE: If confirmed, I will confer with my legal and policy team to understand all options before me regarding the RFS program, and in this specific case, small refinery exemptions.

235. Secretary Regan, the RFS mandates more ethanol than engines and infrastructure can handle and more bio and renewable diesel than we have produced domestically. As a

result, since 2015, the RFS has necessitated between four hundred million and one billion gallons of foreign biofuel imports *each year* to achieve compliance. Secretary Regan, how does a reliance on foreign biofuel imports advance American energy security? Will you commit to managing the RFS in a manner that eliminates this massive necessity on foreign biofuel for compliance?

RESPONSE: If confirmed, I will confer with my legal and policy team to understand all options and issues before me regarding the RFS program, and in this specific case, the issue of imported biofuel. If confirmed, I would follow the law in implementing the RFS and other Agency programs.

236. Secretary Regan, the RFS program has no cost containment provisions. Last year, as fuel demand tumbled and eight American refineries permanently closed, Renewable Identification Numbers (RINs) increased over one thousand percent. The cost of RINs puts tremendous pressure on small and mid-sized merchant refiners. These cost increases are particularly concerning since history has shown there is no correlation between the RIN price and the amount of biofuel blended. Secretary Regan, in light of these circumstances, will you commit to exploring cost containment programs for the RFS program? And will you direct your staff to develop cost containment options for the program?

RESPONSE: If confirmed, I will confer with my legal and policy team to understand all options and issues before me regarding the RFS program, and in this specific case, the cost of RINs. If confirmed, I would follow the law in implementing the RFS and other Agency programs.

237. Secretary Regan, nuclear energy is a vital resource for our country's energy generation mix. Nuclear energy is clean, reliable and safe. It is also the country's largest source of carbon-free electricity. According to the Nuclear Energy Institute, nuclear accounts for nearly 20 percent of the nation's electricity needs. Your home state of North Carolina benefits tremendously from this resource through cleaner air and reliable, affordable energy. For example, Duke Energy's fleet of eleven nuclear power plants in the Carolinas makes up more than 50 percent of the power the utility provides in those states. Secretary Regan, if confirmed, what will be your regulatory approach to nuclear energy at EPA? Do you agree with me that nuclear energy should be an important part of America's energy future?

RESPONSE: Nuclear currently provides about 20 percent of U.S. electricity generation. The Biden Administration is committed to the goal of a carbon pollution-free power sector by 2035. If confirmed, I would work with Administration colleagues to consider the role of nuclear power in meeting this goal.

238. Secretary Regan, President Biden's January 20, 2021 Executive Order on climate and the environment directs the EPA to propose new regulations for existing source

methane emissions by September 2021. Secretary Regan, does this order mean EPA plans to reinstate the same or similar source methane standards as were issued by the Obama administration? Are you committed to ensuring the EPA engages in data collection before proposing the adoption of existing source methane standards so that such standards are based upon a robust administrative record and establish safe, sound, effective and achievable requirements?

RESPONSE: If confirmed, I look forward to convening all parties relevant to this discussion to forge a path forward on methane emissions. The process will be transparent, and the Agency's decision will be based on the best science, engineering, and data available and informed by robust engagement with states, tribes, and other stakeholders.

239. Secretary Regan, as you know, the EPA operates both the Natural Gas STAR and Methane Challenge programs, which are focused on information sharing, technology transfer and providing a public means to report methane emission reductions. Since the inception of the Natural Gas STAR program, for example, industry partners have eliminated more than 1.63 trillion cubic feet of methane emissions by implementing approximately 150 cost-effective technologies and practices. Secretary Regan, are you committed to continuing to operate these successful voluntary programs, including maintaining the option to comply through the ONE Future option?

RESPONSE: If confirmed, I look forward to meeting with the staff responsible for carrying out these programs to learn more about the achievements of the programs and how best to build on their successes.

240. Secretary Regan, Section 401 of the Clean Water Act (CWA) is a prime example of cooperative federalism. States, tribes and federal agencies each have roles under the statute. States and tribes are given authority to certify that any discharges from the project to regulated waters will comply with applicable federal water quality standards. Sadly, several states have abused the law and their role in this process in an effort to block energy development projects. Secretary Regan, are you committed to retaining the recent amendments to the CWA Section 401 implementation regulations, which are consistent with case law and Congressional intent, such that states and tribes shall be required to act on a certification request within a reasonable period of time, not to exceed one year?

RESPONSE: As both Secretary of NCDEQ and a former employee of EPA, I believe strongly in working with state partners as a foundation of the Clean Water Act and other environmental laws. I recognize the important role of states under section 401 working in partnership with EPA. The 2020 final rule on Clean Water Act Section 401 is one of the agency actions that has already been identified for review in accordance with President Biden's Executive Order Executive Order on Public Health and the Environment. If confirmed, I would work to ensure that any subsequent action was taken in partnership with states, tribes, and other federal agencies.

241. Secretary Regan, EPA's pesticide evaluation process established under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) is science-based and takes into account risks and benefits of pesticide products. This robust regulatory system has been the gold standard for the world, and the risk-based approach is required to meet our World Trade Organization obligations. It is also critical for ensuring our agricultural producers have the tools they need to safely and effectively protect our food supply, and that public health entities (mosquito control, hospitals, etc.) have the tools they need to keep our population safe. Secretary Regan, if confirmed, how should we expect the EPA to manage our existing risk and science-based regulatory system? Also, would EPA participate in efforts to hold our trading partners to a similar standard?

RESPONSE: In North Carolina one of the biggest problems we saw was a lack of resources to provide technical assistance to farmers. Among the first conversations I had upon nomination was reaching out to now Agriculture Secretary Vilsack to talk about how we can partner together to pursue these efforts. We're going to work together with farmers to make sure that they have the tools and information that they need to continue to be stewards of the land as we tackle climate and other agricultural and environmental issues.

242. Secretary Regan, certain conservation practices – such as no-till and cover crops – have grown in popularity with farmers in recent years. There is a growing body of evidence showing these practices can trap significant volumes of greenhouse gas in the soil, reduce tractor fuel use, and minimize soil erosion and nutrient losses into waterways. However, in order to use these conservation practices, farmers *need* pesticides to eliminate weeds instead of tilling the soil. Secretary Regan, would you work to ensure farmers can continue to access safe and effective tools, including pesticides, needed to protect their crops and preserve these important conservation practices?

RESPONSE: As I mentioned earlier, in North Carolina one of the biggest problems we saw was a lack of resources to provide technical assistance to farmers. If confirmed, I'm looking forward to working with Agriculture Secretary Vilsack to pursue these efforts. If confirmed, we plan to work together with farmers to make sure that they have the tools and information that they need to continue to be stewards of the land as we tackle climate and other agricultural and environmental issues.

243. Secretary Regan, approximately 97 percent of our nation's public water utilities serve fewer than 10,000 people. Due to their smaller ratepayer bases, these small utilities, often in rural America, struggle relative to their larger counterparts to complete the necessary upkeep and upgrades in order to remain in compliance with EPA standards. Secretary Regan, how can EPA right-size its rules and regulations to address the unique circumstances facing small utilities in rural America and empower them to provide safe, reliable access to their customers?

RESPONSE: As Secretary of NCDEQ, I learned firsthand the challenges faced by small utilities in providing drinking water and wastewater services, and I understand the critical need for water infrastructure investment. The Biden-Harris plan for water infrastructure investment represents a critical opportunity to provide tools and resources for these communities all over the country in order to improve water quality and ensure rural towns can develop and thrive economically. If confirmed, I will work closely with EPA staff to ensure that the perspectives of these communities are considered in EPA's regulatory, financial, and technical assistance activities.

244. Secretary Regan, as you know, the United States is heavily reliant on imports of critical minerals used in things from electronics to missiles and other munitions for our military. Our dependence on foreign countries for critical minerals is a national security issue. Mining is one of the most heavily regulated industries in America with dozens of state and federal laws and regulations. Secretary Regan, will you commit to supporting a strong domestic mining industry and workforce so as to reduce our dependence on foreign imports of minerals? If so, what are your thoughts on ways to ensure we have a strong domestic mining workforce?

RESPONSE: You raise a number of important questions regarding rare earth elements used in the energy supply chain. If confirmed, I look forward to learning about this important issue and will work with DOE Secretary Granholm and other colleagues in the Cabinet, as appropriate, to determine what steps the Administration can take to address them.

Senator Cramer:

245. Section 401 of the Clean Water Act is a prime example of Congress expecting cooperative federalism. States, tribes and federal agencies each have unique roles under the statute. States and tribes were given the authority to certify that any discharges from the project to regulated waters will comply with applicable federal water quality standards. Unfortunately, there have been a handful of States that have interpreted the statute inconsistently and have tried to abuse their authority, using it as a means to veto certain federally-approved projects or to dictate interstate commerce. Are you committed to retaining the recent amendments to the CWA Section 401 implementation regulations, which are consistent with case law and Congressional intent, such that States and tribes shall be required to act on a certification request within a reasonable period of time, not to exceed one year?

- a. Given that this is authority granted under the Clean Water Act, are you also committed to ensuring that those regulations continue to limit the scope of State and tribal review to water quality standards?

RESPONSE: As both Secretary of NCDEQ and a former employee of EPA, I believe strongly in working with states as a foundation of the Clean Water Act and other

environmental laws. I recognize the important role of states under section 401 working in partnership with EPA.

President Biden's Executive Order on Public Health and the Environment includes The 2020 final rule on Clean Water Act section 401 is one of the Agency actions that has already been identified for review in accordance with President Biden's Executive Order on Public Health and the Environment. If confirmed, I would work to ensure that any subsequent action was taken in partnership with states, tribes, and other federal agencies.

246. Historically, the New Source Review (NSR) program has discouraged rather than encouraged maintenance and improvement projects at existing power plants and industrial facilities, including investments in emission control equipment and efficiency projects that would reduce greenhouse gas emissions. Executive Order 13990, "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis," directed an immediate review of agency actions taken the last four years. A number of important NSR reforms were implemented to fix the uncertainty and extreme interpretations that have stifled important technological advancements. What are your views on the current NSR program and how it can be further improved to encourage technological advancements and on-the-ground implementation?

RESPONSE: If confirmed, I would expect to be briefed by EPA staff to learn about EPA's New Source Review regulatory program under the Clean Air Act. We will need a variety of solutions, including technological advancements and implementation improvements, to meet the Administration's goal to build back better. I will work to advance improvements in the program if needed, in consultation with states and stakeholders, to continue to optimize our programs and meet President Biden's goals.

247. Recently, the EPA finalized guidance implementing the April 2020 Supreme Court decision, *County of Maui v. Hawaii Wildlife Fund*. This guidance is an important step toward returning certainty to regulated stakeholders. We need to make sure that this new Supreme Court decision is not abused by EPA or 3rd party litigants to attack farmers and ranchers for nutrients that may unintentionally enter groundwater. Do you plan to retain the agency's January 14th guidance memorandum?

- a. Furthermore, can you provide assurance that EPA will not abuse this decision to take punitive actions against farmers and ranchers for unintentional nutrient loss?

RESPONSE: I have not had the opportunity to review this guidance memorandum. I am aware that this action was issued at the very end of the previous Administration.

If confirmed, I look forward to conferring with my legal and policy team regarding the guidance and the *Maui* decision. I will follow the science and the law in a way that ensures we can protect water quality.

248. Some studies have indicated that EPA regulations are the most burdensome federal regulations on states and business. I understand your record of engaging with stakeholders, but please explain how you intend to balance the dictates or targets set by the White House and your responsibility to engage in the cooperative federalism model enshrined in the statutes that govern EPA, including when state's make primacy applications and submit state implementation plans.

a. Further, how will you ensure that benefits are commensurate with costs?

RESPONSE: In light of my experience at NCDEQ, I know how important it is for the federal government to engage in a collaborative manner, in partnership with state and local governments who know their communities better than the federal government ever could. If confirmed, I will work transparently with state and local governments, responsible industries, impacted communities, and other interested stakeholders as we develop solutions. With respect to rulemakings specifically, I commit to processes that are transparent, follow the law, follow the science, and consider costs and benefits as appropriate.

249. Given that EPA may be tasked with rewriting the section 111(d) rule again to limit greenhouse gas emissions from electric generating facilities, will you ensure that such a rule recognizes the statutory limits of the Clean Air Act and cooperative federalism, preserves the remaining useful life of these facilities, and does not negatively impact ratepayers?

- a. Will you commit to convening and working with all stakeholders – including rural electric cooperatives in the power sector – before you begin developing any possible replacement to the ACE rule?
- b. Considering the economic hardship facing American families, manufacturers and small businesses, now would be the worst time to have a significant rate increase for electricity. Can you commit to ensuring that any greenhouse gas regulations issued by the EPA will take into account any increased cost to ratepayers before being finalized?

RESPONSE: If confirmed, I will look back at previous efforts to reduce greenhouse gas emissions from power plants, including the Clean Power Plan and the ACE rule. I will consider what worked and what could have worked better. I intend to apply those lessons learned to moving EPA forward, working with states, other stakeholders, and the rest of Administration, to address greenhouse gas emissions from power plants. Rural electric cooperatives are among the stakeholders I would plan to consult on these matters, and I would consider the costs and benefits of any regulations that EPA proposes.

250. As we discussed briefly at the hearing, your predecessor, Administrator Wheeler, finalized EPA's methane regulations last August. I, along with many of my colleagues,

applauded the final rule for many reasons, but chief among them for me was that the rule takes into account existing regulations which effectively encompass methane emissions so producers are saved from duplicative requirements. As I mentioned at the hearing, states who have already done the work of regulating these emissions, including methane, would have their work disqualified under a one-size-fits-all mandate. Part of President Biden's environment plan includes "aggressive methane pollution limits for new and existing oil and gas operations." With that in mind, do you believe this is a task that falls under the EPA's regulatory authority?

- a. If so, would you agree with the assessment that there should be some accommodation for states who already have strong regulations in place tailored to operations in their states?

RESPONSE: If confirmed, I look forward to convening all parties relevant to this discussion to forge a path forward on methane emissions. The process will be transparent, and the Agency's decision will be based on the best science, engineering, and data available and informed by robust engagement with states, tribes, and other stakeholders.

251. As we discussed briefly at the hearing, North Dakota led the litigation effort against the Obama administration's Waters of the U.S. (WOTUS) rule. Under that rule, roughly 85 percent of North Dakota's waters would have fallen under federal jurisdiction. North Dakota was joined by North Carolina and helped to secure a stay of the 2015 rule on the basis that they were likely to prevail on the merits. However, in 2017 North Carolina withdrew from the litigation. Did you agree with or recommend North Carolina withdraw from the litigation?

- a. When Congress passed the Clean Water Act, do you believe it was ever their intent for states like North Dakota, which have relatively few navigable waters, to have roughly 85 percent of the water within their borders fall under federal jurisdiction?

RESPONSE: If confirmed, I look forward to the opportunity to look at what we have learned from both the Obama-era Waters of the United States and the Trump-era Waters of the United States rules. As a state secretary, I was on the receiving end of both rules. I have had extensive conversations with farmers about both rules.

We will look at how we protect our water quality while considering the concerns of the agricultural community, the homebuilding community, or other regulated entities. While we need to assess outstanding issues and opportunities through the legal system, I do not want litigation to stifle what we can achieve. I am committed to following the science and the law. As a state regulator, the lack of certainty has been discouraging for us who are trying to get the business of our states done. I intend to look back at what we have learned, what worked and what didn't, and apply those lessons to how we move forward.

In doing so, I will rely on the scientific and legal experts at EPA to educate me on these matters, including what scientific data are available that are relevant to Clean Water Act jurisdictional issues.

252. Carbon capture, utilization, and storage (CCUS) is essential to meeting any emission targets set by the Biden administration and President Biden rightly included CCUS implementation in his climate plan. I, along with my colleagues on EPW, have worked in a bipartisan fashion to support wide scale commercial deployment of CCUS technology. North Carolina DEQ comments to the ACE Rule also expressed support for carbon capture and sequestration technology. If confirmed, will you commit to Congress to accelerate development and deployment of CCUS technology for all types of carbon sources and storage methods?
- a. If confirmed, will you commit to working collaboratively with CEQ and other federal agencies to support infrastructure, such as pipelines, that will enable greater CO2 storage?

RESPONSE: If confirmed, I commit to look at tools the Agency has to encourage further development of carbon capture and sequestration as well as other technological solutions to reducing greenhouse gases. I am committed to partnering with other federal agencies as appropriate to determine what steps we can take to advance development and deployment of CCUS, including the infrastructure issues you raise.

Senator Boozman:

253. Mr. Regan- There is mounting pressure on investor-owned electric companies to reduce their carbon footprint, and businesses worldwide are taking proactive measures and setting new, ambitious environmental goals, such as net-zero carbon emissions. However, achieving such advanced targets threatens the reliability of the power grid; it requires integrating a significant number of clean and renewable energy sources that are unreliable and intermittent in nature.
- a. Navigating the safe deployment of clean energy has been a significant concern of the Southwest Power Pool—an energy company headquartered in Arkansas, responsible for providing electric service to 14 states spanning from Texas to the US-Canada border. While the SPP employs a wealth of renewable energy sources, particularly in wind power, the integration of such technologies has and will continue to be made possible through the use of natural gas.
- b. In the event of a sudden power shut off from a seasonal reduction of wind, water flow, or sunshine, natural gas is used in “quick start” turbines to provide reliable power. While integrating clean energy sources is crucial to achieving lower carbon emissions, it is equally critical that it be done in an affordable, reliable,

and clean manner; Therefore, do you support the use of natural gas in “quick start” turbines to achieve environmental goals?

RESPONSE: Reliability of the grid will be an important part of the Administration’s efforts to move to a carbon pollution-free power sector by 2035. If confirmed, I will collaborate with federal partners and other relevant stakeholders with a role in preserving grid reliability to ensure that EPA is doing its part to address the concerns that you raise moving forward, including the role that various sources of electricity generation contribute to the reliability of the grid.

Senator Wicker:

254. Nearly 20% of Mississippi’s economic activity relies on forestry and agriculture. Under the Obama Administration, EPA pursued far-reaching regulations, such as the 2015 Waters of the U.S. rule, without properly analyzing the impact on farmers and other landowners. Will you commit to proactively partnering with the agricultural community instead of pursuing overly burdensome regulations that fail to recognize farmers as partners in environmental stewardship?

a. How will you partner with the agricultural community if confirmed?

RESPONSE: If confirmed, I look forward to convening the agricultural community and other stakeholder groups on how to chart a path forward. I believe it is possible to work with both the farming community and the environmental community to find common ground on improving air and water quality and supporting local agricultural economies.

255. In September 2020, the Mississippi Department of Agriculture and Commerce signed a Memorandum of Understanding (MOU) with EPA Region IV to work together and openly communicate on environmental issues important to agriculture. On January 11, 2021, the Mississippi Farm Bureau Federation signed a similar MOU with EPA. If confirmed, will you commit to continuing to recognize these MOUs?

RESPONSE: If confirmed, I look forward to learning more about this MOU from EPA staff. More broadly, President Biden has committed to ensuring that the agricultural community plays a leading role in providing solutions on climate change. If confirmed, I look forward to working with EPA and my colleagues throughout the Cabinet to deliver on that commitment.

256. If confirmed, will you direct EPA to continue following FIFRA (Federal Insecticide, Fungicide & Rodenticide Act) requirements in continuing the registration review of pesticides that are critically important to the safe and efficient production of major crops in the United States?

RESPONSE: If confirmed, I commit to discussing the pesticide registration review you reference with EPA staff and stakeholders to determine the best path forward.

257. Approximately 360 million acres of the working forests in the U.S. are on private land, owned by individuals, families, and small and large businesses. In Mississippi, over 17 million acres of forestland are privately owned. It is estimated that U.S. forests offset 15% of U.S. carbon emissions every year. Working forests are forestlands carefully managed to supply a steady, renewable supply of wood for lumber, energy, paper and packaging, and more than 5,000 items that consumers use every day. This sector employs 2.5 million Americans, including nearly 50,000 Mississippians, mainly in rural communities. Given its importance to our economy and the environment, how would you ensure that the U.S. forest products sector remains viable and that any policy EPA advances will provide markets for U.S. forest products?

RESPONSE: Among the first conversations I had upon nomination was reaching out to now Agriculture Secretary Vilsack to talk about how we can partner together to pursue these kinds of efforts. We're going to work together with farmers and foresters to make sure that they have the tools and information that they need to continue to be stewards of the land as we tackle climate and other agricultural and environmental issues.

258. EPA is working to implement the new Clean Water Act technical assistance initiative authorized by my legislation, the Small and Rural Community Clean Water Technical Assistance Act, which was included in the 2018 America's Water Infrastructure Act. The intent of this legislation is to have a minimum of two full-time Circuit Riders or on-site technicians operating in each state. If confirmed, would you be willing to consult with the USDA Rural Utilities Service (RUS) to model the new initiative on the successful RUS Circuit Rider initiative?

RESPONSE: We share an appreciation for the importance of technical assistance in supporting rural, small, and tribal water and wastewater utilities. If confirmed, I look forward to being briefed by EPA staff on the status of the Agency's work to implement this provision of America's Water Infrastructure Act (AWIA). I would also seek to learn more about EPA's partnership with USDA on these issues and how the model you identify might be helpful to EPA's implementation of this AWIA program.

259. Small refineries throughout the country have experienced disproportionate economic harm under the Renewable Fuel Standard, as predicted by a 2011 Department of Energy study. In the last year, prices for RINS, or Renewable Identification Numbers, have increased over one thousand percent. The COVID-19 pandemic also has reduced demand for transportation fuels. The combination of these factors has resulted in a number of small refinery closures. Many of these small refineries are located in rural areas and support jobs that are needed in this challenging economic time. There are a number of small refinery hardship petitions pending at EPA, which will be before you if confirmed. Will you commit to prioritizing a fair and timely evaluation of these petitions?

RESPONSE: As indicated at my confirmation hearing, if confirmed, I will confer with EPA's legal and policy team so I understand all of the options before me

regarding the RFS program, and in this specific case, small refinery exemption petitions.

Senator Sullivan:

260. In 2016, then-Vice President Biden stated: “the United States and North America -- Mexico, the United States and Canada -- will be the energy epicenter for the 21st century -- in part to our abundance of natural gas.” Do you agree with then-Vice President Biden’s assessment that natural gas made North America an energy epicenter for the 21st century? Do you think EPA has an obligation to speak and work with the industries it regulates? Does EPA have an imperative to provide regulatory clarity and compliance assistance to affected parties?

RESPONSE: If confirmed, I plan to move forward the way I did in North Carolina, which is using the power to convene and to bring everyone to the table. In addition, from my experience, I know people do not like surprises. Instead, stakeholders want to understand the rules of the road and I intend for EPA to provide that.

261. Natural gas is a necessary source of energy that has supports millions of good American jobs and has helped lower the cost of utility bills across the country. The new presidential climate envoy John Kerry told a meeting of the World Economic Forum that “the problem with gas is if we build out a huge infrastructure for gas now to continue to use it as the bridge fuel, when we haven’t really exhausted the other possibilities, we’re going to be stuck with stranded assets in 10, 20, 30 years.”

Do you agree with John Kerry that we shouldn’t be building out additional natural gas infrastructure? Do you agree that natural gas is an important component efforts to reduce emissions and our nation’s natural gas supply is important to providing low-cost electricity and ensuring reliability on our nation’s electric grid? Do you agree that increased natural gas production and use has led to significant reductions in CO2 emissions in the U.S. compared to a 2005 baseline? Do you support an “all-of-the-above” approach to ensure we are supporting U.S. energy independence?

RESPONSE: Natural gas plays an important role in our electricity sector; its production and use also cause pollution and contribute to climate change. President Biden’s Executive Order to tackle the climate crisis launched a whole-of-government approach to address the climate crisis and capture economic opportunities that come from modernizing our infrastructure and putting America on a path to achieve a carbon pollution-free power sector by 2035 and net-zero emissions economy-wide by 2050. These actions will empower workers to rebuild infrastructure, supporting construction, manufacturing, engineering, and skilled-trades jobs needed to build back better. The Executive Order will help revitalize energy communities by establishing a working group on economic revitalization to prioritize support for coal and power plant communities while creating good-paying union jobs like plugging leaks from oil and gas wells, reclaiming abandoned mine

land, and turning idled sites like brownfields into new hubs for economic growth. If confirmed, I look forward to working as part of the President's team as we work to position U.S. workers to capture good jobs in clean energy and resilient infrastructure while we address the needs of people across the energy sector.

262. While we understand you may disagree with certain actions taken during the Trump Administration, it seems counter to the principle of regulatory certainty to do a comprehensive revocation of all of those policies, many of which were developed and supported by career EPA staff. You responded to a question during your North Carolina State Senate committee hearing in 2017 on working with states, industry, and by stating, "I learned that when all is said and done, the business community wants regulatory certainty" and that industry and environmentalists both "want to be heard and to participate in a transparent process." How to you compare your statements on regulatory certainty to the unilateral, executive actions that we have seen coming out of the White House from President Biden and others like John Kerry and Gina McCarthy with roles that have no accountability to Congress or the American public? Will you commit to standing by your views from 2017 and prioritizing and ensuring regulatory certainty over the extreme unilateral executive actions that we have seen so far from this Administration? Do you plan on following the direction of the White House and revoking a long list of actions taken under the Trump Administration, which would directly cause regulatory uncertainty? If not, what actions will you commit to doing before taking action to upend current regulations to prevent the regulatory uncertainty that you expressed concern about in 2017?

RESPONSE: As I stated at the hearing, I see President Biden's Executive Orders as setting goals and setting vision, in addition to providing directives. The Executive Orders leave plenty of room for the Agency to determine an implementation path. If confirmed, I would want to do what I've done in North Carolina to convene the stakeholders that will be impacted by these decisions, look at the rulemaking options, and look at voluntary programs to determine the proper actions we can take collectively to meet and possibly exceed the goals of these Executive Orders. In approaching this review and other efforts, I would have the value of regulatory certainty in mind.

263. What is often left out of the discussion about expanding renewable energy deployment is the supply stream needed to produce "green energy" materials like electric vehicle batteries, wind turbines, and solar panels. The COVID-19 pandemic taught us the pitfalls of our over-reliance on China for raw materials. I am concerned that we have not adequately learned our lesson as it relates to green technology.

There is no doubt that our nation possesses the domestic supply of critical minerals sufficient to reduce or even end our over-reliance on China. Many environmental groups strongly oppose any expansion of domestic mining and recovery of critical minerals in this country. Preventing domestic production leaves critical mineral production and downstream processing and manufacturing to countries that are economic competitors of, and which have far less stringent environmental policies than, the United States.

Do you recognize the importance of critical minerals, including rare earth elements, in manufacturing electric vehicles, batteries, solar panels and wind turbines? Are you concerned that the United States is overly reliant upon China and Chinese-controlled supply chains for critical minerals used in green technologies? Do you agree that in order to foster domestic manufacturing of green technologies in the United States, a stated priority of the Biden Administration, a complete domestic supply chain – including initial mineral production as well as end-of-life processing and recycling of products using these materials – is necessary to draw sufficient capital investment in the sector? If not, how is this goal of expanding the domestic green energy manufacturing base feasible?

RESPONSE: You raise a number of important questions regarding rare earth elements used in the energy supply chain. If confirmed, I look forward to learning about these vital issues, and will work with DOE Secretary Granholm and other colleagues in the Cabinet, as appropriate, to determine what steps the Administration can take to address them.

Senator Ernst:

264. The Biden Administration has made it clear that it will push heavily to transition the country from internal combustion engines to electric vehicles. Last Congress, more than 100 Democratic members of the House and Senate signed on to the Green New Deal, which arguably envisions a future without liquid fuels. The open hostility towards liquid fuels from both the Executive branch and the Democratic majorities in Congress is cause for concern for our farmers and the biofuels industry. If confirmed, you will undoubtedly be under pressure to hasten this transition away from liquid fuels. How will you ensure that EPA's actions to cut greenhouse gas emissions from the transportation sector take full advantage of biofuels, which offer immediate emissions reductions from the current fleet at lower prices?

RESPONSE: If confirmed, I will ensure that agriculture will have a seat at the table as EPA addresses the range of issues climate change raises. With respect to biofuels, I have already had conversations with other members of the Biden team, including Agriculture Secretary Vilsack, to consider how we can partner together to address all issues of concern including climate change and the role biofuels can play to reduce carbon emissions.

265. The President has laid out an ambitious domestic climate agenda that will be coordinated in large part by White House National Climate Advisor and former EPA Administrator Gina McCarthy. What is your perspective on the relationship between the Climate Policy Office and the EPA? Specifically, as EPA Administrator, how will you ensure the integrity of EPA rulemaking processes while also having to react to potentially conflicting directives being handed down from the Climate Policy Office?

RESPONSE: President Biden's Executive Order on Tackling the Climate Crisis at Home and Abroad establishes the National Climate Task Force. If confirmed, I look

forward to working with my colleagues across the Cabinet to enable a whole-of-government approach to combat the climate crisis. Where implementation decisions are in EPA's purview, I will lead and make those decisions and I will accept the accountability for those decisions.

266. The Renewable Fuel Standard is intended to promote low-carbon, cellulosic biofuels. The corn kernel fiber pathway was established in 2014, but the EPA has effectively blocked applications to register under this pathway, in the process stifling one of the objectives of the RFS. Approving these applications is a win-win for the environment as well as for farmers and an ethanol industry experiencing unprecedented market challenges. If confirmed, will you ensure the timely processing of cellulosic biofuel applications, including those made under the corn kernel fiber pathway established in 2014?

RESPONSE: I am not familiar with this specific issue. If confirmed, I will look into it and will work with EPA staff to address any backlog identified and to find ways to improve the process, if needed.

267. A growing body of scientific literature shows that certain conservation practices, such as no-till soil management, help to sequester greenhouse gasses in the soil. However, for no-till to work, farmers need access to herbicides, otherwise they have to till the soil to eliminate weeds, which causes greenhouse gasses to be released. These herbicide-enabled practices also reduce soil erosion, help lock-in soil nutrients, among other benefits. As EPA Administrator, would you ensure farmers continue to have access to the tools they need to preserve these important conservation practices?

RESPONSE: In North Carolina one of the biggest problems we saw was a lack of resources to provide technical assistance to farmers. Among the first conversations I had upon nomination was reaching out to now Agriculture Secretary Vilsack to talk about how we can partner together to pursue these efforts. If confirmed, we plan to work together with farmers to make sure that they have the tools and information that they need to continue to be stewards of the land as we tackle climate and other agricultural and environmental issues.

268. Between 2014 and 2019, North America's share of the global bioplastics market grew from 14% to just 18%, while Europe's share increased from 15% to 25%. This occurred despite the U.S.'s position as a global leader in agricultural production. President Biden has clearly articulated his commitment to development of the US bioeconomy. Will EPA take action to articulate a biogenic carbon emissions policy for agricultural crops to help level the playing field?

RESPONSE: I agree that biogenic plastics are an important opportunity. If confirmed, I commit to being briefed on the biogenic carbon issue that you raise to determine the appropriate path forward. More broadly, President Biden has committed to ensuring that the agricultural community plays a leading role in providing solutions on climate change. If confirmed, I look forward to working with EPA and my colleagues throughout the Cabinet to deliver on that commitment.

269. Because of America's leadership in the development and deployment of ag biotech innovation, U.S. producers and processors have already made significant reductions in greenhouse emissions throughout the agricultural supply chain. On October 9, 2020, EPA proposed regulatory revisions which would clarify and streamline oversight for certain "plant incorporated protectants" ("PIPs")-- pesticide-like substances occurring naturally in plants whose levels are altered using modern biotechnology. Under your leadership, will you continue to prioritize the implementation of new rules to clarify EPA oversight of these safe, innovative products, to ensure America's farmers, ranchers, and forest landowners will have the tools to adapt to climate change, capture greater amounts of carbon in the soil, and lessen agriculture's overall environmental footprint?

RESPONSE: If confirmed, I commit to discussing your questions regarding plant-incorporated protectants with EPA staff and considering their advice to determine the appropriate path forward.

270. The USDA is a critical asset for helping EPA understand the impacts of regulatory actions on agricultural producers. Secretary Vilsack, in particular, has a long and accomplished history of working with EPA in the previous Democratic Administration to ensure the agency understood the impacts of how it used its regulatory authority with respect to farmers. Can you commit to working closely with USDA and Secretary Vilsack before proceeding with regulatory actions that would impact agriculture, and to taking USDA's feedback and expertise seriously?

RESPONSE: Yes. Among the first conversations I had upon nomination was reaching out to now Agriculture Secretary Tom Vilsack to talk about how we can partner together. If confirmed, we plan to work together with farmers to make sure that they have the tools and information that they need to continue to be stewards of the land as we tackle agricultural and environmental issues.

271. EPA has the authority to require the use of ever increasing volumes of advanced biofuels through the Renewable Fuels Standard even beyond 2022. These advanced biofuels, like biomass-based diesel, are produced across the country from a variety of surplus and waste fats and oils – they are important to Iowa because of our soybean farmers and the 11 biodiesel facilities. Biodiesel is working today to reduce GHG emissions by 65-80 percent, and significantly reduce particulate emissions. Then-candidate Biden committed to support growth in advanced biofuels. Do you support the use and promotion of advanced biofuels like biomass-based diesel? Do you intend to utilize EPA's authority under the RFS to grow the use of advanced biofuels like biomass-based diesel over the next 4 years?

RESPONSE: As indicated at my confirmation hearing, if confirmed, I will confer with my legal and policy team to understand all of the options before me regarding the RFS program, and in this specific case, how to set the RFS volume requirements beyond 2022.

Senator CAPITO. Thank you, Secretary Regan. I appreciate that. I have some little business items before we get to the questioning. The hearing will include two 5 minute rounds of questions. I will start the second round after closing the first.

To be fair to the other members of the Committee and the witness, I ask Senators to please limit your questions each round to the 5 minutes.

Throughout this hearing and with the questions for the record, our Committee members will have an opportunity to learn more about you, Mr. Regan. I would ask that throughout this hearing, you please respond to the questions today, and for those that we will submit for the record.

So these are the questions that I have to ask, and we ask of all nominees on behalf of the Committee.

Do you agree, if confirmed, to appear before this Committee or designated members of this Committee, and other appropriate committees of the Congress, and provide information subject to appropriate and necessary security protection, with respect to your responsibilities?

Mr. REGAN. I do.

Senator CAPITO. Do you agree to ensure the testimony, briefings, documents, electronic, and other forms of information are provided to this Committee and its staff and other appropriate committees in a timely fashion?

Mr. REGAN. Yes, I do.

Senator CAPITO. Do you know of any matters which you may or may not have disclosed that might place you in a conflict of interest if you are confirmed?

Mr. REGAN. I do not.

Senator CAPITO. Thank you. Thank you very much.

With that, I will start with the 5 minute questioning.

First of all, thank you for your opening statement. Your pledge of transparency is something that I think we are going to hear a lot about today, and probably in every Administration. This one certainly is no different.

So I am going to begin where you and I talked on the phone and where I alluded to in my opening statements. That is the fact of having a domestic climate czar in the White House who was a former Administrator of the EPA, who really doesn't have any accountability to Congress or to any of those of us for oversight. Apparently, her authority is very sweeping. And she stated that every single piece of the Federal budget will reflect climate change policy. Her remark demonstrates there is no part of the Government within her reach.

So have you met Gina McCarthy?

Mr. REGAN. Yes, I have.

Senator CAPITO. You have. Have you talked about the two roles that you would be fulfilling are going to interplay and how that decisionmaking is going to roll out?

Mr. REGAN. Yes, we have.

Senator CAPITO. What was the substance of that?

Mr. REGAN. I think the substance of it was recognizing that with the President's ambitious goals, that there was an all hands on deck approach, and that he would have staff in the White House

that would have responsibilities and participating in climate policy, and that that task would also be before every single Cabinet agency.

So I think the crux of that conversation was recognizing that Congress has bestowed certain powers upon me as Administrator, as well as certain accountabilities. So I look forward to working with the President's staff, but I also look forward to working with every other Cabinet agency as we develop a comprehensive pathway to reach the President's ambitious climate goals.

Senator CAPITO. Did you get a sense in the conversation with her that you would be reporting directly to her or to the President, or a little bit of both?

Mr. REGAN. I think it is pretty clear that this position reports to the President. This position will be working with the staff in the White House. And of course, this position will be working with all of the Cabinet agencies required for this whole of Government approach.

Senator CAPITO. What about if there is a disagreement between the climate czar and the Administrator of the EPA? I would hope that the transparency pledge would follow through on that, if you reach decisions, who is making that decision and how it was determined. How would you see disagreements being resolved when it is not inter-Cabinets, but with a czar and a member of the President's Cabinet?

Mr. REGAN. With every complex issue, we anticipate healthy debates. I believe that the realities are we have different positions that we serve in the Administration.

So I have no reason to believe that the positions of the EPA and the positions of the White House staff will get equal hearings. Hopefully, we will have robust discussions in a manner that will yield the best results for the President to achieve this ambitious climate goal.

Senator CAPITO. Well, yes, we certainly all want best results. That is in all of our best interests, as you emphasized in your opening statement.

I would like to ask you, one of the objections that I have had over the past is that when really difficult issues come in front of the EPA that could result, as we saw during the Obama administration, drastic job losses and a lot of economic downturn in a particular area, that you would, and you and your agency would come, and come to where the biggest impacts are going to be, to the people that—this was not done in the past. As I said, it still stings. It is not right.

I know you have a history of this in North Carolina. If you could pledge to me that you will continue that as an Administrator, that would be good news for us.

Mr. REGAN. Absolutely. In North Carolina, I realized very quickly that we could not solve the State's problems by sitting behind a desk in Raleigh. I visited 90 out of our 100 counties in the State of North Carolina. Would have hit all 100 but for COVID. I think I have pledged to you, many of you, that I have spoken with, that I do plan to respond to the invitation to visit, to spend time in your States, with your communities, so that we can have the best under-

standing of how the decisions we make will impact you all on the ground.

Senator CAPITO. Is it your understanding that the President intends to come back with a new version of the Clean Power Plan?

Mr. REGAN. It is my understanding that we have to take a look at what was the plans for the Clean Power Plan and what were the plans for the ACE rule. The reality is that it presents a significant opportunity for the Environmental Protection Agency to take a clean slate and look at how do we best move forward. There are lots and lots of, I would say, examples of success and failure that we have seen in past tries.

So I look forward to having an opportunity to do a few things. No. 1, to not look backward, but to look forward. No. 2, to convene all parties relevant to this discussion and think about how we harness the power and the statutory authority of the Clean Air Act in concert with major investments that we should see government-wide, and the input and the statements from those who will be impacted by any particular actions we take, whether that be a rule-making or whether that be voluntary.

Senator CAPITO. Thank you. That ends my 5 minutes. I would say, I would be interested in maybe a follow up question on whether you think that means that we would go beyond the fence or not. That is a more difficult question.

Senator Carper.

Senator CARPER. Madam Chair, if it is OK with you, I am going to yield to other colleagues. I am not in a hurry. Thanks.

Senator CAPITO. Senator Inhofe.

Senator INHOFE. Well, first of all, thank you very much. I have had the honor to visit with Michael Regan and have heard all kinds of good things about him. I think we are going to get along real well.

I told him during our introductory discussion how well I got along with particularly Lisa Jackson, when she was in the Obama administration. In fact, she liked me so well, and I liked her so well, that we spent a lot of time together. She even still today has my Christmas card picture of my kids on her wall. So we want to have that kind of relationship with you, and I think that is going to happen.

I have four things I just want to mention. There won't be time to cover them, so I won't be asking for a lot in specific responses. One is on the Green New Deal. I hear all kinds of extreme interpretations as to what does that mean, things like banning fossil fuels, banning air travel, controlling how much beef we can eat, and all these things. And the cost would be about \$93 trillion, that I believe is accurate.

But the other thing that affects me parochially is it is war on fossil fuels. That was behind us, I thought for a while. It looks like it may be coming back. So what I would like to ask of you, Michael, is that you sit down with me and other members of this Committee and talk over the different aspects of what is alleged to be the Green New Deal and what it really is going to mean in terms of putting it together.

I agree with Senator Tillis that you are someone who listens, and you want to be fair. I think that would be a fair thing to do. What do you think?

Mr. REGAN. I can pledge to you that I will move forward the way I have in North Carolina, which is using the power to convene, to bring everyone to the table.

I would like to say that President Biden has his own ambitious climate plan, one that we believe harnesses the full power of Government, but not only looks at regulations that will come from EPA, but investment strategies that come from the broader Government. So I look forward to engaging with you and your colleagues on how we execute on the President's vision for an ambitious climate goal.

Senator INHOFE. That is very fair. Now, the second of the four things I wanted to bring up have to do with the WOTUS bill. Back during the Obama administration, they had the WOTUS bill, and it was essentially, for those who might be new on this Committee, and not familiar with what the meant, it is the water regulation that would be transferred from the States to the Federal Government; it is something that the American Farm Bureau and all the agricultural organizations had done as its major concern at that time.

Then along came President Trump and changed that, added a new rule that I thought was working quite well. My question on that one would be, can we have a chance to talk about that? Because that issue is going to be the one, and politically, I have to say this too, it is one that everyone ought to be concerned about, because that is the No. 1 issue in accordance with most.

The third thing I want to bring up is on pipelines. I noticed that you approved a permit for the Atlantic Coast Pipeline. You denied a permit for the Mountain Valley Pipeline. Maybe for the record, in writing, you can come back and distinguish between the two of them and what your feelings are about pipelines.

And last, I wanted to mention the Small Refinery Exemptions. Now, in my State of Oklahoma, the Clean Air Act exempts small refineries faced with "disproportionate economic hardship from the costly renewable fuel standards." The action I would like to ask for you would be, the U.S. Supreme Court has already taken up the case of *HollyFrontier v. the EPA*, which would seem logical to me that before establishing any real policies concerning small refinery exemptions, it might be a good idea to get the response from the U.S. Supreme Court on that case. What do you think?

Mr. REGAN. I think that is one way to go. The one thing I know I have to do is consult with our general counsel, understand where we are in the legal process. And also understand, what options do we have to continue conversations. I think that the courts will give us some ruling.

But I also don't want to lose the opportunity to take a look at what we have learned with the Obama era Waters of the U.S. and the Trump era Waters of the U.S. As a State secretary, I have been on the receiving end of both. I have had conversations with farmers about both. And I think that we do have a clear opportunity to look at how we protect our water quality while not overburdening our small farmers.

So while we are looking at all of our opportunities through the legal system, I don't want litigation to stifle what we can come up with as stakeholders having a conversation. So I look forward to working with you on that.

Senator INHOFE. I look forward to it. Thank you.

Mr. REGAN. Thank you.

Senator CAPITO. Senator Carper.

Senator CARPER. I will yield.

Senator CAPITO. All right, Senator Cramer.

Senator CRAMER. Thank you, Madam Chair.

Thank you, Mr. Regan, for being willing to run the gauntlet and step up in this way. Congratulations to you, congratulations to your family. It is great that you can be here. It means a lot to him and it means a lot to us as well. So thank you for that.

I appreciate very much the time you took with me on the phone. I appreciate very much your reference to stakeholders often. That is a good sign. When we talked a few weeks ago, as you recall, I was a fellow regulator, I spent nearly 10 years as an environmental regulator before coming to Congress in an elected position.

In the nomination acceptance speech, while today you have referenced stakeholders you also referenced the importance of States. Of course, being a former State regulator, you would do that. You reiterated your desire to support States, and not dictate to them. And of course, States are some of the most important stakeholders in this new job.

I welcome that, because I spend a lot of time talking about cooperative federalism around here, the lack of it over the decades and centuries, in many cases. I am just wondering, to this point, and I know it is early in the Administration, but I haven't seen a lot of cooperation coming from the White House. I have seen a lot of executive orders. We have seen a lot of dictates. In fact, things like the lease prohibitions on deposits on Federal lands, in the case of the XL pipeline, those aren't directly under EPA jurisdiction.

But none of the States affected were ever consulted before the President signed those executive orders. I want to hear from you how you will be different than what we are seeing so far.

Mr. REGAN. Thank you for that question, Senator. I too enjoyed the conversations that you and I had about the balance of State and Federal Government interaction.

I see the executive orders as setting goals, and setting vision. But in those executive orders, they leave plenty of room for how these things will be implemented. The reality is that these Cabinet agencies will be implementing and executing these visions.

So we have a ton of time, in my opinion, to aim for these goals, but massage the processes by which we will achieve those goals. I want to do what I have done in North Carolina, and done, I believe, fairly well, which is convene the stakeholders that will be impacted by these decisions, look at the rulemaking processes, look at the voluntary actions, harness the power of our private sector who are creating these jobs, and following the trends of the market to think through, what are the proper actions we can take collectively to meet and possibly exceed the goals of these executive orders.

So I think the substance and the crux of how we execute on these executive orders rely or reside in these Cabinet agencies. I look for-

ward to having conversations with you, your staff, and others on how we get there.

Senator CRAMER. I appreciate that. I think we are going to have a lot of good discussions, quite honestly. I am grateful for your sentiments.

I was thinking specifically in a later round or maybe even over coffee sometime we will talk more about things like the methane rule, for example, that tends to—the one size fits all methane rule tends to disqualify States that already have methane rules. It is an important, I think, area of some exploration. It is a specific case study.

There are a lot of those, we have heard already, we have talked some already about Waters of the U.S., Clean Power Plan. And as you know from your previous experience at EPA, both these rules under the Obama administration faced serious legal hurdles. In North Dakota, I had one of the most successful WOTUS challenges with 11 other States in litigation, and joined West Virginia in its Clean Power Plan case.

Based on your reviews of those cases, obviously you know them well, do you think that the rules had some shortcomings, and if so, what were they?

Mr. REGAN. One of the things I have always pledged is I would follow the science and follow the law. The courts have obviously had their opinions about these laws.

I will say, there are two ways I look at this. As a former State regulatory, the lack of certainty and the litigation has been very painful for us who are trying to get the business of our States done. So that is the downside. The upside is, as Administrator, I have the ability to look back at what we have learned, and what worked, and what didn't. We can apply those lessons learned to how we are going to move forward.

So I am grateful that we have sort of worked out some of those kinks, and we understand where the limits of the law are. It is my desire to follow the law, not exceed my statutory authority. I believe with the proper stakeholder engagement, I think that we can forge a path forward. I look forward to that.

Senator CRAMER. I look forward to continuing the discussion in round two. Thank you.

Senator CAPITO. Thank you, Senator Cramer.

Remotely, Senator Cardin.

Senator CARDIN. Thank you, Madam Chair.

Mr. Regan, I enjoyed our conversation that we had. I want to follow up on my favorite subject, which is the Chesapeake Bay. As I had a chance to talk to you about the Chesapeake Bay, it is the largest estuary in our hemisphere. It has been declared a national treasure by the last several Administrations. And it is challenged in regard to environmental need.

Under the Obama administration, we had a special assistant for the Chesapeake Bay that was referred to as the Chesapeake Bay czar, that acted as a point person to deal with administering the Federal program under the EPA for the Chesapeake Bay, a program which has been funded by Congress and increased the authorization and funding in the last couple of Congresses. So we have been supporting this.

But having a special assistant that can coordinate not just the activities within the Environmental Protection Agency, but the other Federal agencies that play such a critical role in our plan to restore the quality of the Chesapeake Bay, the Department of Agriculture, the Army Corps of Engineers, and I've talked about some of the other programs that are involved.

So I would like to get your cooperation on how you will administer the Chesapeake Bay program, considering reinstating the special assistant, so that we can have a focal point in EPA working with the other agencies to advance the Chesapeake Bay program, a program that is supported by six States and many stakeholders, and which the Federal Government really operates as an independent referee in regard to our efforts to deal with the Chesapeake Bay. Can we work together on this, and will you consider appointing a special assistant?

Mr. REGAN. I thank you for that question, Senator Cardin. During my first stint at EPA, when I lived in this area for about 10 years, I learned first hand that the Chesapeake Bay is indeed a national treasure. So you do have my commitment that we will look for the resources, all the resources that we can bring to bear, to protect the Chesapeake Bay.

Senator CARDIN. Thank you for that. I hope that you will appoint a special assistant, because I think that is critically important in coordinating this.

I will just give you a couple examples. We have recently, about ready to complete our environmental restoration project that deals with disposal of dredged material at Poplar Island, which has been a win-win situation. It has received the dredging material as well as restoring a previously livable island, it has now been restored as an environmental project. We need to move forward with the second of these plans, Mid Bay, the Army Corps has given a green light for that and we are going to be moving ahead with it.

My point is this. That part of the Chesapeake Bay program that needs to be coordinated with the Environmental Protection Agency. We have oyster restoration, as I am sure you are aware. The oysters are critically important to filtering the pollutants out of the Bay. The historic crop on the Chesapeake Bay is a fraction of what it was 100 year ago. So we have had a very active oyster restoration program in both Virginia and Maryland.

Funding comes from various agencies. But it is important that the EPA act and help us in making sure all the pieces come together, so that we can meet our commitment under the 2025 deadline.

So are you prepared to advocate on behalf of the Environmental Protection Agency with other agencies in order so we can achieve our goals under the Chesapeake Bay program?

Mr. REGAN. Thank you, Senator. I am. I am committed to advocating so that we meet those goals. I am committed to looking at how we have adequate resources to achieve those goals.

I can tell you what I am actually doing now. I have been successful in prioritizing an agricultural czar or advisor, an environmental justice advisor. And I am now looking into our resources for the potential for someone to coordinate on the Chesapeake Bay. The previous Administration and budget process has not been kind to EPA.

So we are being creative as to where we can get the resources to do that.

What I can assure you is, we have adequate resources to execute on our obligation to protect the Chesapeake Bay, and we are looking for additional resources to hire that coordinator to ensure that we hit all of our targets on time.

Senator CARDIN. I think I might want to flip on ahead, that is what I wanted to hear.

I will just mention one last thing in closing, that is that with plans, that we do need you to be aggressive in making sure all States carry out their commitments. We depend upon each State carrying its own load. We have had some challenges with some of our States.

We hope that you will be aggressive in working with us. It is a ground up program. But we do need the Federal Government to come in where needed to make sure that we all do what we can with best science.

So thank you very much, and thank you for your willingness to serve in this critically important position.

Mr. REGAN. Thank you, sir.

Senator CAPITO. Thank you, Senator.

I am going to go to Senate Whitehouse now, and then we will get back to one Republican, one Democrat. I kind of got us a little bit out of order there.

Senator Whitehouse, are you on?

Senator WHITEHOUSE. Yes, I am.

Senator CAPITO. Thanks.

Senator WHITEHOUSE. Thank you, Chairman Capito. I appreciate it.

Secretary Regan, welcome to the EPW Committee, not for your last time, I hope.

A couple of things. First of all, please be advised that the Chesapeake Bay is not the only bay on the East Coast. There is a little State called Delaware that we might have some interest in that has a Delaware Bay. Those of us from further north are very excited about the clean, clear waters of sparkling Narragansett Bay. So I appreciate your interest in the Chesapeake, but let's make sure we think of all the bays.

You mentioned earlier on in the hearing that it would be your policy, don't look backward. I just want to warn you about that. You would be coming into an agency that in my view was more or less captured by the fossil fuel industry, agency capture, administrative capture, is something people have talked about for years. I think this is a particularly flagrant example that we witnessed of agency capture.

I think it left a trail of damage to the institution. It left a trail of conflicts of interest, particularly on the scientific advisory groups. It left a trail of rulemaking thrown out for pretty patent violations of administrative law. It left a trail of FOIA failures and QFRs unanswered.

I suspect you will find a good deal more when you get in, as people come forward and are prepared to describe things that took place in the previous Administration and maybe even some who

couldn't bear it and left might very well come back with some stories.

I think if you are the captain of a ship that has sustained some serious damage, you can't just look forward. You have to look at the ship. And you have to make sure that you have done a damage control assessment and know where the damage is and have a plan to repair it. Otherwise, you are never going to perform at the levels that you should. And your operating folks are not going to be able to focus on moving forward, because they will be all tangled up in trying to undo the messes that you haven't paid attention to.

So I am interested, if you could explain a little bit more, what you meant by don't look backward.

Mr. REGAN. Thank you for that question, Senator. I think that is sort of a metaphor for visioning. I think that we have to be optimistic and look forward in terms of all that we believe we can accomplish, and that the future is bright.

Obviously you raise a really good point, a point that I have practical experience in. When I inherited the Department of Environmental Quality in 2017, morale was low, decisions had been made that we didn't believe were transparent and didn't bring forth the proper science and data.

So we did have to do a damage assessment. We had to take a look at what had been done, what had not been done. And we quickly had to rectify those situations and begin to move forward.

We have a short amount of time. So we are going to have to walk and chew gum at the same time. My goal is to do an assessment to determine how can we best move forward, learn from the past, but stay leaning forward as we solve some of these complex issues. There are a lot of staff at EPA right now doing a reevaluation of a ton of rules and activities that may or may not have been done in a transparent manner or leveraged science the way we have liked.

So we are going to correct that. We are going to correct that, then we are going to begin to carry this country forward.

Senator WHITEHOUSE. Well, I am going to ask you two things in that context. One is, I have written quite a lot about the problems at EPA. I will find, with my team, one of the either comments or briefs that I have written, and I will just send one to you so that you have a sense of where I have seen this agency go. I would ask that you read it before our vote, just so that I can know you have seen how I feel about this.

The second thing is that I will be coming at you, as will other Senators, with questions. We would really like to see the questions answered. Where we have been stonewalled on questions in the prior Administration, we would like that backlog of questions cleared. On FOIAs that have been stonewalled, we would like that backlog cleared as well. I think if you are talking about transparency, you are going to have to make a particular effort to tear down the stone wall that surrounded the fossil fuel fortress at EPA in the last 4 years.

I hope very much you will agree to read the thing that I send you and be as cooperative as the law permits in answering our questions, particularly our backed up questions.

Mr. REGAN. Absolutely, Senator. Thank you for that question. You have my commitment that, No. 1, myself and our staff will read all documents sent to us by this body. No. 2, it is an obligation of all of us as public servants to be as transparent as possible to this body and to the public as we look at information and develop decisions for moving forward.

So you have my commitment to read those materials. You have my commitment for transparency. And you have my commitment as a very strong partner in how we move forward.

Senator WHITEHOUSE. Last thing, the Clean Power Plan proposal by the Obama EPA has been thrown out by the court. You, as you have said, now have a clean slate to go forward. I am hoping that as you look at the problem of large scale emitters, whether they are industrial emitters or utility emitters, you will take a look at carbon capture technology, which has moved enormously forward in the years since the original Obama Clean Power Plan.

I would note for you that Chair Capito and I, who have rather different views about climate issues and fossil fuel emissions and so forth, have worked together along with a lot of other colleagues in a very bipartisan support for carbon capture technologies, including an expansion of 45Q in the last bill that we passed in bipartisan fashion in the last Congress.

So I am hoping that you will take a hard look and make sure that people on your staff have the technical support necessary to understand whether carbon capture is a best available control technology for carbon emissions, which are a pollutant under the Clean Air Act. As long as you have people looking at that and giving it a fair and honest look, that is all I ask right now.

Mr. REGAN. Thank you for that question, Senator. You have my commitment to look and determine the commercial viability of carbon capture sequestration. I can tell you that I have already had conversations with Jennifer Granholm at DOE and others.

There are lots of resources that we can pour, in terms of research and development, to make sure that carbon capture sequestration and storage is on the table. And one of the benefits we have of starting fresh is over the past couple of years, we have seen enormous strides in technological advancements. The good people at EPA are ready to take advantage of what we have learned from the past rules and what we have gained in terms of technological advancements.

So we are excited about charting this new course.

Senator WHITEHOUSE. Thank you, Senator Capito. I am probably out of time.

Senator CAPITO. You are probably out of time, by a lot.

[Laughter.]

Senator CAPITO. Thanks.

Senator Braun.

Senator BRAUN. Thank you, Madam Chair.

I share that same enthusiasm as Senator Whitehouse, and have a tendency maybe to go a little over time myself now and then. But I will try to keep it within the 5 minutes.

I enjoyed our robust conversation we had last week. It was a lot of common ground in terms of especially being open minded in

terms of how we view such an important issue as the environment and climate in general.

I am the founder of the Senate Climate Caucus on the Republican side, and we now have seven members on each side of the aisle weighing in.

Over the last year, I think what has amazed me most, I think I shared it with you when we spoke last week, was the broad array of interests in terms of weighing in. I was surprised in the business community that it goes beyond just agriculture, transportation, energy production. Almost everyone, I think, wants to be part of it. I think one of the defining points of view would be how do we do it and how do we pay for it. That subject hardly ever comes up on anything we talk about here in a way that is really meaningful, that addresses it up front.

Where do you stand on trying to take innovation and technology, that would have a recent reference to what we have done with vaccinations addressing the COVID challenge? Look what was accomplished there by really galvanizing a kind of innovation maybe already in motion, and to do so quickly, accomplish a result that is going to probably be what puts that in the rearview mirror. Tell me how you think we do that as opposed to maybe the approach up to this point that has been more costly, which has been a highly regulatory approach.

Mr. REGAN. Thank you for that question. In North Carolina, I will say what we did was, we took a look at regulations. No. 1, we wanted the regulations to be flexible enough, or the interpretation of the regulations to be flexible enough to allow for innovation. We can't achieve our goals without a very strong public-private partnership. We know that our private partnerships are really on the cusp and drive the markets.

So my strategy has always been engage our private sector counterparts, take a look at the intent of the regulation and the law, ensure that there aren't too many administrative burdens, and look at what can be gained, if we can find efficiencies in the execution and implementation of those regulations.

One of the things that pained me the most in North Carolina, and I think I am going to have the same problem at EPA, is the stripping of the budgets don't prevent an agency from writing a regulation; it prevents an agency from providing technical expertise and experience to our stakeholders who we want to see drive innovation while achieving those environmental goals.

So my pledge is to be as collaborative as possible while developing any regulations that might be needed, looking out for those administrative burdens, and then having our agency as partners as we execute on the implementation of those regulations. But I do believe that regulation is not the sole answer.

So I will be partnering with my counterparts at the Department of Energy, Department of Agriculture, Department of Defense, all of which I have already talked to in terms of how do we solve some of these complex problems that we are facing.

Senator BRAUN. Second question, I think we discussed it a little bit last week as well, would be the global responsibility in terms of tackling the issue of climate change and how we turn it around, how we pay for it. What is your feeling in terms of that approach

of thinking that we need to do even more on our end when we are of the larger economies, the one that has emissions headed in the right direction? How will that thought of getting the rest of the world involved, especially doing more than saying they are going to do something, making in the way that you can weigh in tell places like China, Russia, India that yes, you are putting these goals and statements out there, but your actions show otherwise?

Whenever that occurs, that means we are disproportionately paying for things again, when that is probably the weakest part, what we bring to the equation now is our Federal balance sheet and our ability to do more until we get that in order. Please comment on that.

Mr. REGAN. Thank you, Senator. It is an excellent question. That is a question that requires partnership. That is not going to be driven solely by regulation.

I think that what we are trying to do, the President's aggressive climate plan looks at capturing the market so that we are globally competitive.

In North Carolina, as Secretary, Senator Tillis mentioned when he was speaker of the house he was a really strong proponent of a balanced approach for solar energy. North Carolina is now second in solar installation in the country.

What we find is most of the parts that we want to install come from China. We are finding that if we don't capture the market, we are going to fall behind. I believe that is the same for solar, it is for cars, there is a lot that we can capture in terms of manufacturing and the like to remain globally competitive.

So what I believe you are seeing, with the President's approach, is not the country skating to where the puck is, I will borrow from Wayne Gretsky, we are trying to skate to where we believe that puck is going to be. And if we can design regulations that are complementary to the types of investments in research and development that we need to harness the power of the private sector and create new jobs. I believe that this country will be a global leader, and other countries will follow.

Senator CAPITO. Thank you, Senator.

Senator Merkley.

Senator MERKLEY. Thank you, Mr. Regan. I wanted to start by asking if you were familiar with the Presidential Plastics Action plan that some 500 environmental groups have put together.

Mr. REGAN. Yes, vaguely.

Senator MERKLEY. OK. Would you consider a commitment to take a very close look at it?

Mr. REGAN. Absolutely. We will take a close look at it. We will evaluate EPA's role, and we will partner with you on advancing that.

Senator MERKLEY. Thank you. There is a whole lot that can be done. We have a challenge from plastics in a couple of ways. One is that the production of plastics produces a tremendous amount of greenhouse gases. And second is plastic, when it is through with its single life, is rarely recycled. We have that slogan about recycling, but in fact, a more accurate slogan would be it is either burned or it is buried or it is borne to sea where it causes all sorts of environmental problems, including in the rivers, and our oceans.

Do you agree that this is a significant challenge that we need to work and take on?

Mr. REGAN. I do agree that it is a significant challenge when we look at the role of plastics, especially the impacts that we have seen with our marine life and our coastal communities.

Senator MERKLEY. We see it very much in Oregon's coastal community. I know you see it from the other side of the country. It creates all sorts of issues.

The EPA has an environmentally preferable purchasing program where they have the power to set an example and help introduce potentially more sustainable products in place of single use plastics. Will you take a look at that program and the possibility of EPA using that as an opportunity to show what can be done to replace single use plastics with more sustainable products?

Mr. REGAN. Absolutely, Senator. Where there is a program at EPA and where we have an opportunity to be a global leader, we will do an evaluation and we will put our shoulder to that wheel.

Senator MERKLEY. I want to turn to the topic of asbestos. Most nations in the world have banned asbestos for all the reasons that we are familiar with. In 2016, we took another stab at this by passing in a bipartisan fashion the Lautenberg Toxic Substances Control Act, or TSCA, the Lautenberg version of that.

Not much action has happened since 2016. In December, so just over a month ago, there was finally a part one risk evaluation done at EPA. And it did find that there were unreasonable risks of cancer.

But the Science Advisory Committee that looked at the work of EPA said, wow, you didn't consider all the asbestos fibers, you didn't consider all the different asbestos diseases, you didn't look at all the different routes and pathways of exposure. So you really did a very minimal job not capturing the full impact.

Would you consider having the EPA redo that part one evaluation to try to get this right and use the best science to really see what the risk is to human health?

Mr. REGAN. Thank you for that question, Senator. I absolutely will work with my staff to take a look at that evaluation, determine where those data and science gaps are, and then govern ourselves accordingly moving forward.

You have my pledge that as we take a look at all of these, No. 1, the processes that we undertake will be much more transparent. No. 2, we will use the latest science and the latest data. No. 3, our results should be supported by the science and by the law.

So you have my commitment to do that.

Senator MERKLEY. Thank you.

One of the things that we notice so often, different facilities are located near low income communities, communities of color, and it has a disproportionate impact, our manufacturing system, on the health of low income communities or communities of color. In this sense there are a lot of issues of environmental justice. Do you feel that you are pretty well read into that set of challenges and have some ideas on how to tackle it?

Mr. REGAN. I will say that I am very enthusiastic about the President's commitment to environmental justice and equity. It is something that I have spent a lot of my career on.

My first stint at EPA was focused on environmental justice and equity issues. I established the first environmental justice and equity advisory board in the State of North Carolina, bridging environmentalism and civil rights to find solutions for our fence line of disproportionately impacted communities.

There is some work that we have to do at EPA to take a look at restructuring and making sure that we have adequate resources to address environmental justice. So not only do I look forward to structuring EPA so that we can adequately respond, but I look forward to partnering with you and Congress so that we can be sure that where we have gaps in our laws and regulations, that we can rectify that so that we are ensuring all Americans have access to clean air, clean water, and clean environments to live in.

Senator MERKLEY. I am running out of time.

Madam Chairman, I will just close by saying that the biggest challenge testing human civilization is whether we can tackle climate chaos. I know you are well familiar with the issue, and I look forward to working with you on that endeavor.

Mr. REGAN. Thank you, Senator.

Senator CAPITO. Thank you.

Senator Barrasso.

Senator BARRASSO. Thank you, Madam Chair.

Mr. Regan, congratulations on the nomination.

Despite calls for unity during his inauguration speech, President Biden took immediate, damaging, and divisive action. He canceled the Keystone XL Pipeline, and with it thousands of good jobs, some union jobs, some non-union jobs. But thousands of good jobs.

He has threatened tens of thousands of jobs in my home State of Wyoming and across the country when he halted oil, gas, and coal leasing on Federal lands. He ceded American environmental and economic independence to the European Union and China when he rejoined the Paris Climate Accord. And he opened the door to revisiting some of the most economically devastating regulations from the Obama era, like Waters of the United States, the disastrous Clean Power Plan, and many more.

It does seem that with every campaign promise that he delivers, President Biden is also delivering pink slips to hardworking men and women in Wyoming and across the country. Despite the dizzying pace of the President's job killing executive actions, many on the other side believe that he should do more, and do it more quickly. Senator Schumer said that the other day on the floor. Some believe the President should immediately declare a climate emergency. Such a declaration, of course, would silence Congress, would silence States and the American people during one of the most consequential discussions and decisions of our time.

I think it sidelines workers, industry, families who are already struggling to make ends meet during these difficult times.

So the question for you is, do you believe the President should circumvent Congress and the will of the American people by declaring a climate emergency?

Mr. REGAN. I do believe that we are facing a dire situation with climate change and impacts. But I don't think that is to negate the fact that we all understand the anxiety and the fear as we make

this transition that folks in your States have, and States like West Virginia and North Carolina and other States.

What I believe is that the President has an aggressive agenda that looks at the whole of Government. What I know is we have been instructed that we are not to leave any community behind. In order for us to be successful, every State and every community has to see itself in our vision.

I would be careful and never say, we are looking at clean jobs. We are looking at all jobs. Many of these jobs should transition as we look forward to protecting ourselves from climate change and the climate change impacts.

So I look forward to working with you on how we ensure that we don't leave any communities behind, and that as we invest in our infrastructure, whether that is our grid, our water infrastructure, whether we invest in pipelines that are leaking, transportation, bridges, that we do that in a way where we are consulting your constituents, so that we can adequately address this climate change while growing as many jobs as possible.

Senator BARRASSO. Well, I appreciate that answer, because former Senator John Kerry has said that people who are working in the industries in Wyoming, they need to make better choices. It is interesting that a Washington Post fact checker also referred to his comments as being misleading and providing false hope. The Secretary of Energy nominee, she talked about jobs being sacrificed. So I appreciate your comments on the jobs and the focus there.

I want to talk about small refineries. Unlike large oil refineries, the small refineries don't have the economies of scale to comply with our Nation's biofuel mandate, the renewable fuels standard. That is why Congress allows small refineries to petition the EPA for what is known as hardship relief. This has been going on, and this is in law.

Before deciding whether to grant relief, the Administrator of the EPA, by law, is required to consult with the Secretary of Energy. Now, under the last two Administrations, Federal courts have rebuked EPA and the Department of Energy both for failing to account for all of the challenges that small refineries face under the RFS. So if confirmed, will you ensure that the EPA fully accounts for the challenges that small refineries face when evaluating these hardship relief petitions?

Mr. REGAN. Thank you for the question, Senator.

If I am confirmed, I commit that we will fully follow the law. And I commit that we will fully be transparent. I am not certain that either side understands how these decisions were arrived to. So I think it is very important that we have transparency, that we use sound science, and follow the law in a deliberative process by which we communicate with you all so that you understand the decisions that we make.

Senator BARRASSO. Madam Chairman, I have some additional questions. But with your permission, I will submit those in writing.

Senator CAPITO. Sounds good. Thank you, Senator.

Senator GILLIBRAND.

Senator GILLIBRAND. Thank you so much, Madam Chairwoman, for this hearing.

Secretary Regan, thank you for testifying today and for your willingness to serve as our EPA Administrator. The EPA does a lot of work to restore its mission to protect human health and the environment. I know you will have many priorities on your plate once you are confirmed.

One area that I hope to prioritize is the PFAS chemicals. I am grateful that President Biden included PFAS in his Build Back Better plan, and his Administration has an opportunity to make real progress in reducing people's exposure to this very toxic chemical.

As we discussed when we spoke a few weeks ago, I have been working on bipartisan legislation with Senator Capito that would require EPA to set standards under the Safe Drinking Water Act for PFAS. Just days before the end of the previous Administration, the EPA under Administrator Wheeler issued a regulatory determination to begin the process for setting drinking water standards for PFAS. However, in my view, the previous Administration did not move with the sense of urgency that we need on this issue.

So my first question is this. Will you make PFAS an agency-wide priority at the EPA, so that more time is not wasted while families continue to be exposed and harmed by these very toxic chemicals?

Mr. REGAN. Thank you for that question, Senator Gillibrand. You and I and Senator Capito know all too well the devastating impacts to our States by the lack of action on behalf of the EPA. PFAS, PFOA, perfluorinated compounds, will be a top priority for this Administration.

We will pursue discharge limits. We will pursue water quality values. We will pursue all avenues that we can while we are developing these rulemaking processes, to give the proper signals to States, so that States can take the appropriate actions, like we have had to take in North Carolina.

Senator GILLIBRAND. Will that include setting a drinking water standard for PFAS?

Mr. REGAN. Thank you for the question, Senator. What I plan to do is sit down and spend some time with the staff at EPA, with our counsel, to understand the multiple avenues I believe we have at our fingertips to address PFAS.

Senator GILLIBRAND. Thank you. You are one of the first State environmental leaders to regulate industrial discharges of PFAS. I know it is an important issue.

It has been estimated that there could be 2,500 manufacturing facilities discharging PFAS into the air and water across the country. I have authored legislation in the Senate to regulate PFAS under the Clean Water Act which would require industrial discharges to be subject to permitting and pre-treatment standards.

Given your experience at the State level, what is your vision on how EPA should approach industrial PFAS pollution in order to prevent more PFAS from entering the environment in the first place?

Mr. REGAN. Thank you for that question. I think there is a lot of wisdom in the vision and the direction that you are headed. We need to have a full accounting of how these forever chemicals are entering into our water, as well as our air. So I think we need to take a look at the discharge of PFAS from a water quality stand-

point. I think we need to take a very strong look at the emissions that are coming from the combustion and incineration of products that yield PFAS into our atmosphere.

I can commit to you that on day one, that this is and will be a priority for this Administration to set limits on how much of this chemical compound is entering into our air and our water.

Senator GILLIBRAND. Thank you. One more question. Another area that we have previously discussed which is very important to my State is the continuation of EPA's geographic programs, in particular, the Great Lakes Restoration Initiative and the Long Island Sound Study. Both of these programs have been essential to improving water quality, including harmful pollution. We have had bipartisan success over the past several years in sustaining and growing these programs. I hope that under the Biden administration, these programs will have the full support of the EPA and the Administration as a whole.

Will you support robust funding to continue these important, effective programs?

Mr. REGAN. Thank you for the question. We will pursue the adequate funding, robust funding, to support these regional and State programs. Again, it is my belief that the Federal Government should provide support to our regions and our States who know their constituents much better than the Federal Government ever could.

Senator GILLIBRAND. Thank you, and thank you, Madam Chairwoman.

Senator CAPITO. Thank you.

Senator Sullivan.

Senator SULLIVAN. Thank you, Madam Chair.

Mr. Regan, congratulations on your nomination.

I want to follow on where Senator Barrasso was going. I have been very concerned about the initial executive orders coming out of the White House. As a matter of fact, I led a letter with 25 Senators, so over one-quarter of the entire U.S. Senate, to the President asking for a meeting on his plans particularly as they related to energy related jobs.

I am really concerned when you see John Kerry, Gina McCarthy, who are at the White House already setting policy. I know that the Chair has expressed concerns about who is going to be in charge. I think it should be you, since you are going to be Senate confirmed, if you are confirmed, not two unconfirmed officials who are clearly taking the reins.

But when John Kerry talked about, well, President Biden wants to make sure that folks have better choices, like solar panels. I talked to my leadership in Alaska, union leaders. A, they find that attitude very condescending, cavalier, we are going to kill a bunch of good oil and gas jobs so we can tell you what is better.

Can you talk to my constituents about how you believe, or what is your thought on the policies that right now appear to be killing jobs, good jobs, during a recession, with nothing to replace them? There is no solar jobs, as John Kerry says, in my State, when the risks of hundreds if not thousands of jobs are going to be going away in the oil and gas sector. I would like your views on this.

Mr. REGAN. Thank you for the question, Senator. It is my belief and firm understanding, to answer the question who is in charge, President Biden is in charge. I think he has assembled——

Senator SULLIVAN. Yes, I get that. I understand. Sorry to interrupt you. But if you are confirmed, who is going to be in charge below President Biden?

Mr. REGAN. Thank you for that. If I am confirmed, then I believe Congress has bestowed certain powers and authorities and accountability to me as the Secretary of EPA.

Senator SULLIVAN. I would agree with that.

Mr. REGAN. So where the decisions are in EPA's purview, I can assure you that I will be leading and making those decisions. I will be accepting the accountability for those decisions.

I believe that the executive order that the President issued to pause the new sale of oil and gas leases doesn't impact the 90 percent of oil and gas activities that are occurring currently. So the role of EPA is really to work with you, to work with your constituents, to work with the industry to look at a rule that would be best structured to reduce the methane emissions that are coming from those activities.

Senator SULLIVAN. Let me ask you this. In this sector, though, you are going to have a lot of power. Do you think it is a good idea to be killing any jobs when we are in this major recession?

Chuck Schumer is talking about a \$2 trillion stimulus package because of the high unemployment rate. The President of the United States, in his first week in office, is putting thousands of people out of work.

Is that a good idea? Do you support that?

Mr. REGAN. I don't think it is a good idea to kill jobs. I think it is a good idea to ensure that we are transitioning the economy toward where we know the jobs will be.

Senator SULLIVAN. OK, but if there aren't jobs to be transitioned—this is my whole problem. This is why we want to talk to the President. Right now they look like they are putting forward a strategy that will crush jobs, lower the amount of energy we produce, and the only replacement is no jobs in this sector, and importing more oil and gas from countries like Russia and Venezuela. It is a policy that makes no sense.

Help me again on the jobs.

Mr. REGAN. I think when we look at the jobs, we are looking at the full breadth of what the President intends, which are major investments immediately in infrastructure, infrastructure in terms of making sure that the pipes that we have are not leaky and are reducing the climate impact, making sure that we invest in our water quality, water sewer, water infrastructure, looking at a more intelligent grid, looking at roads and bridges.

I believe that many of the jobs and the skill sets that people have in your State and other States can move quickly to those jobs while we also look at the advancements of other research and development opportunities to position the very communities that supported this country during the Industrial Revolution——

Senator SULLIVAN. That is right.

Mr. REGAN [continuing]. And made this country competitive. There is a path, there is a vision——

Senator SULLIVAN. I am sorry, Madam Chair, just one final follow up, because this is a really important topic.

The Secretary of Energy in her confirmation hearing kind of indicated that "some jobs may have to be sacrificed." Again, we are in a deep recession. There are millions of people out of work. These are some of the best jobs in the country, certainly in my State.

These are, to your point, and I appreciate your raising this, the men and women who built this country. Yet right now, when you ask any of the union leaders, these are great union jobs by the way, building trades, when you ask them, if you lose an oil and gas job in Alaska, or in North Dakota or Texas, what can you replace it with, jobs that would be sacrificed, nobody has an answer. It is a strategy and a policy that makes no sense, which is why we want to go see the President.

The White House press secretary said, sorry, the President is not interested in meeting with one-quarter of the Senate on the issue of jobs and energy. I hope he changes his mind, and if you get confirmed, maybe you can convince this to talk about this really important issue.

Mr. REGAN. Thanks for the question, Senator. What I can assure you is if I am confirmed, I will be sitting down with you, hopefully by invitation in your State, talking to——

Senator SULLIVAN. We are going to get to round two, so trust me, you are going to get that.

Mr. REGAN. All right. Sounds good.

Senator CAPITO. Senator Booker.

Senator CARPER. Madam Chairman, can I ask unanimous consent to enter into the record statements to place, AFL-CIO Biden executive order support letter into the record, and also a statement to place the Forbes Obama job growth article into the record? I ask unanimous consent.

Senator CAPITO. Without objection.

Senator CARPER. Thank you.

[The referenced information follows:]



PRESS RELEASE

Family-Supporting Union Jobs Major Component of Biden's Climate Actions

January 27, 2021



Statement from AFL-CIO President Richard Trumka on President Joe Biden's climate executive order:

Today's executive order begins the process of fulfilling President Biden's commitment to address the climate crisis with the urgency it demands while placing the needs of working people and communities at the center of every effort.

The clean-energy economy must be built on a foundation of family-supporting union jobs, and today's order makes clear that President Biden is committed to that vision. It is critical we create good jobs in advance of any actions that cause reductions in employment in fossil fuel production and use. Working families and communities want to know, and deserve to know, that doing what is necessary to fight climate change won't result in unemployment or a reduced standard of living.

The shift to clean energy is a tremendous opportunity to create jobs. The federal government must lead the way by insisting that public dollars are spent on American-made products, including renewable energy goods and clean vehicles, and that high labor standards are built into every action and attached to every federal incentive for clean energy. We deeply appreciate the president's call to invest in coal and other fossil-fuel communities to create good jobs in new industries and by cleaning up abandoned mines and wells. We call on Congress to support this order with the funding it requires while doing more to require high labor standards.

President Biden has been clear in saying he will be the most pro-worker and pro-union president in history. This executive order lays out a worker-friendly, climate-friendly path for his entire administration, and we look forward to working with him to make that vision a reality.

Contact: Carolyn Bobb (202) 637-5018

EDITORS' PICK | Feb 7, 2020, 04:06pm EST | 308,603 views

Obama's Last Three Years Of Job Growth All Beat Trump's Best Year

**Chuck Jones** Senior Contributor  

Markets

I cover technology companies, worldwide economies and the stock market

Job seekers. Photographer: Jim R. Bounds/Bloomberg BLOOMBERG NEWS

The U.S. Department of Labor released the January jobs report that showed better than expected growth of 225,000 new jobs vs. the consensus of 158,000. However, there were detailed updates with a major revision to 2018's employment numbers, which substantially decreased job growth under President Trump.

Far from being the “Best economy ever”

Trump continually says that, “the U.S. is experiencing the best economy ever.” This is obvious gaslighting since the new results show that President Trump’s best year of job growth was 2.314 million in 2018 (the first year of the tax cut) but it falls short of any of Obama’s last three years. His boasts also don’t stand up when you peel the onion on GDP growth and realize that the Federal deficits during his Presidency will exceed any that were not impacted by a recession.



U.S. President Donald Trump. Photographer: Al Drago/Bloomberg © 2018 BLOOMBERG FINANCE LP

The previous and updated job growth yearly totals for Obama’s last six years in office after the Great Recession and Trump’s first three years, along with the revisions, are:

- 2011: 2.075 million fell to 2.074 million, down 1,000 jobs
- 2012: 2.174 million fell to 2.176 million, up 2,000 jobs
- 2013: 2.302 million fell to 2.301 million, down 1,000 jobs

2/1/2021

Obama's Last Three Years Of Job Growth All Beat Trump's Best Year

- **2014: 3.006 million fell to 3.004 million, down 2,000 jobs**
- **2015: 2.729 million fell to 2.72 million, down 9,000 jobs**
- **2016: 2.318 million increased to 2.345 million, up 27,000 jobs**
- **2017: 2.153 million fell to 2.109 million, down 44,000 jobs**
- **2018: 2.679 million fell to 2.314 million, down 365,000 jobs (Trump's best year)**
- **2019: 2.115 million fell to 2.096 million, down 19,000 jobs**

MORE FROM FORBES ADVISOR

What Is a Recession?

By **David Rodeck** contributor

While not exceeding Obama's last three years, Trump's 2.314 million in 2018 barely beat Obama's 2.301 in 2014.

2/1/2021

Obama's Last Three Years Of Job Growth All Beat Trump's Best Year



US President Barack Obama. (Photo credit: NICHOLAS KAMM/AFP via Getty Images) AFP VIA GETTY IMAGES

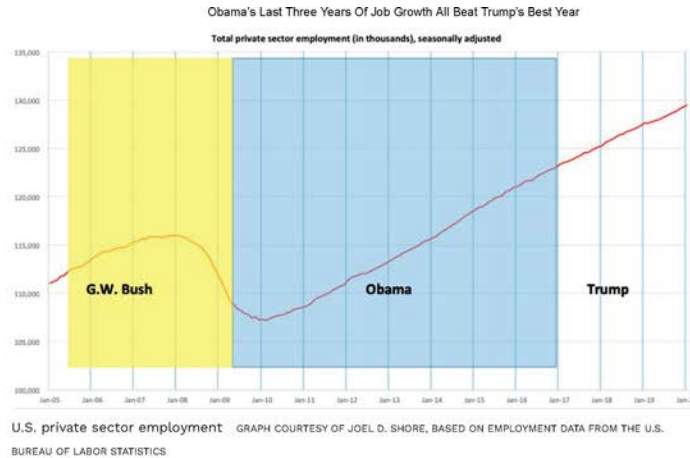
Obama created 1.6 million more jobs than Trump over a three-year period

It is harder for companies to find workers and it is later in the business cycle. However, Trump's boasts about how many jobs he has added don't include that he has generated 6.5 million jobs under his Presidency vs. the 8.1 million, or 1.6 million fewer than Obama did under the same timeframe. On average Obama created 43,000 more jobs per month than Trump.

Job growth is a continuation from Obama's Presidency

The graph below shows the number of employees in the private sector of the economy, meaning it excludes government workers and farmers. It shows that there has been 10 years of increased employment, seven under Obama and three under Trump. It turns out that in 2019 there were 1.927 million private sector jobs added, the fewest since 2010 as the economy was recovering from the Great Recession.

2/1/2021



Why use Obama's last 3 years in office vs. his first 3 years

There were some questions raised why I used Obama's last 29 months in office vs. his first 29 months when I published a [previous article that calculated Trump had generated almost 1 million fewer jobs than Obama](#). The reason was (and is why I'm using Obama's last 3 years in this article) is that Obama started his Presidency during the Great Recession. He had no control over the hundreds of thousands of jobs being cut per month just after he took the oath of office. To compare Trump's to Obama's record it makes sense to use comparable economic circumstances.

Discover What's Making Markets Move

Know what's moving the financial markets and what smart money is buying with Forbes Investing Digest.

Title

Enter e-mail address

Sign up

You may opt out any time. [Terms and Conditions](#) and [Privacy Policy](#).

Senator SULLIVAN. Madam Chair, I am sorry, can I submit another letter to the record? Maybe I will do that on my—it is a different letter from the Laborers International, the Pipefitters, their statements on the jobs that have been killed in the building trades that I think would be——

Senator CAPITO. You make that motion on your next round. If you want to make it now?

Senator SULLIVAN. I would like to admit that for the record.

Senator CAPITO. Without objection.

[The referenced information was not available at time of print.]

Senator CAPITO. Senator Booker.

Senator BOOKER. Chairwoman, thank you, very, very much.

Mr. Regan, it is very good to see you here. I look forward to, and am very excited to vote for you for confirmation.

I am really disturbed, I have traveled through this country, was one of the founders here in the Senate of the Environmental Justice Caucus, along with the soon to be Chairman, and another one of my incredible colleagues, Tammy Duckworth.

I took a journey through environmental justice issues from toxic sites in my own State that have laid, languished, lead problems facing my children. But I didn't stop there. I traveled from Lowndes County, Alabama, and saw horrific evidence of tropical diseases because of the sewage problems there. I was in Duplin County, North Carolina, met with activists there, who, one Vietnam veteran said, I left Vietnam, came home, and I have been a prisoner in my own home because of the massive corporate polluters in his State.

I have traveled over to a place in America, you just Google it by calling it Cancer Alley along the Mississippi River, in St. Johns Parish, where there are factories, I just stood there and watched them and saw the air quality report, polluting the air in these low income communities. In Uniontown, Alabama, I could go on, to the places that I have gone in this country where you have Americans being poisoned by environmental injustices.

What made most of the communities I visited more galling, most of them were low income communities, and most of them were communities of color. I was surprised, I am a Senator from New Jersey, I remember a Black church in Cancer Alley, packed full of people, each of them coming up to talk about the numbers of their family members that have died from cancer in that cancer cluster. All packed together to see one Federal official. They just said, they feel like nobody in the Federal Government cares about them.

We live in this country that has such proud ideals, but we have fallen so short. The No. 1 predictor, in fact, at this point, of whether you are going to live around toxicity, whether drink polluted water or breathe dirty air is the color of your skin.

So I just want to ask you just point blank, you are, should you be confirmed, going to be running an agency whose civil rights division has been eviscerated over the years, where people who look for you to help, you are not even equipped, in my opinion, to actually begin to fight against these issues that affect millions of Americans.

We talk about Flint, Michigan, there are at least 3,000 jurisdictions where children have more than twice the blood lead levels of Flint, Michigan.

So if confirmed, will you make reforming and strengthening the EPA's civil rights office a priority?

Mr. REGAN. Thank you for the question and the statements, Senator Booker. Environmental justice is something that is near and dear to my heart. It has been a part of my career since I started at the EPA the first time around.

I agree with you that the justice system in this country is failing in a number of areas, including in the environmental justice arena. What I plan to do, first and foremost, is find the resources and establish an environmental justice advisor to the Administrator.

The second thing we plan to do is look at a restructuring and reorganization to be sure that our office of civil rights, and we have had adequate staff from every media office that is paying attention specifically to environmental injustice.

And No. 3, you all will hear from me frequently that we do need, or will need, additional resources if we are to commit to solving environmental injustice and equity issues.

In North Carolina, I established the first environmental justice and equity advisory board, just because as government, we think we know until we start to hear directly from the community.

Senator BOOKER. I am going to pause there, because I do not want to go the 8 or 9 minutes over that one of my colleagues went. There is another group of people that are disregarded, disrespected, discounted in our country, and that is agriculture workers.

Last October, under the Trump administration, the EPA finalized a rule to weaken the agriculture worker protection standards, safeguards meant to protect farm workers, their families, rural communities in general from the harms of toxic pesticide exposure.

We know that these rollbacks will result in farm workers in nearby communities being at greater risk of being accidentally sprayed by pesticides. I have met with farm workers. I have heard their stories. We know that chlorpyrifos, for example, is a pesticide that Federal scientists have determined to be highly dangerous for farm workers, and can cause brain damage to the young children of these farm working families.

EPA scientists have twice recommended that the EPA ban the use of this pesticide. Seven countries in the EU have banned it.

So I want an affirmation from you that you will not render farm workers in America invisible, that their cries for justice, that the health of their children, that these people who are an integral, indispensable part of our food systems, will be treated with human dignity. Can I get an affirmation of that?

Mr. REGAN. Absolutely. You have my confirmation on that.

Senator BOOKER. And would you consider putting science ahead of big business when it comes to the chemical chlorpyrifos?

Mr. REGAN. We will be driven by science, and we will be driven by the rule of law.

Senator BOOKER. Then finally, one of the proudest members, this is my last moment on this Committee, and I want to tell you what an honor it has been to serve on it. One of the proudest things I got a chance to do was to work on the TSCA effort here. It was a

bipartisan bill. We advanced an issue around making sure that we were reducing animal testing with a great goal.

Will you just please commit that you will remain strongly committed to the work we did together in TSCA, and the reduction of animal testing or to the greatest extent, the elimination of it?

Mr. REGAN. You have my confirmation on that as well.

Senator BOOKER. Thank you very much.

Senator CAPITO. Thank you. Thank you for your service on the Committee. We will miss you.

Senator BOOKER. Thank you.

Senator CAPITO. Senator Boozman.

Senator BOOZMAN. Thank you very much.

Thank you for being here. I have heard from a lot of friends of yours, and you have an excellent reputation.

One of the honors that I have is being the ranking member of the Agriculture Committee, representing our farm community. Certainly, I know this has come up a bunch today, but the Waters of the U.S. was really a real burden.

As Secretary of the North Carolina Department of Environmental Quality, you signed a letter regarding EPA's 2019 rule repealing the 2015 Waters of the U.S. rule. In this letter, you stated that the EPA should "try to promulgate a clear definition of WOTUS and should allow States the flexibility to regulate waters necessary to achieve the goals of the Clean Water Act in a manner that ensures the health, safety, and economic prosperity of their citizens."

But you ultimately opposed EPA's final Navigable Waters Protection Rule. Do you support a rule such as the 2015 rule, which had roughly one-half of the country operating on one regulatory construct and the other half of the country operating on another.

Mr. REGAN. Thank you for that question, Senator. As the Secretary of DEQ, having to respond to both rules, there are a lot of lessons learned, pragmatic experiences or pragmatic solutions that we have learned from experiences.

I spent a lot of time with a lot of small farmers, I have spent a lot of time with a lot of environmental groups. What I would say is, I am looking forward to convening multiple stakeholder groups on how we chart a path forward. I don't believe that we have to sacrifice water quality at the expense of making sure that farmers, especially small farmers, have a fighting chance in this economy. I believe that you can do both.

What I saw with the 2019 rule was a rollback that went even further back than Presidents of both of our parties. So what I am hopeful for is that we don't have to go with a slingshot approach, that we can look for a common ground, where we give the farming community and the environmental community some certainty that as we move forward, we are going to follow the science, follow the law, look at a pragmatic approach that doesn't overburden the farmer. But we don't have to sacrifice precious wetlands in North Carolina like our Carolina bays and the others.

The last thing I will say is, it is very difficult for any kind of Federal regulation to truly address the unique agricultural needs of different regions. The agriculture needs are different in all of our regions. And the water makeup in Nevada surely doesn't look like

the water makeup in North Carolina. So I want a rule that moves forward, that is not overly burdensome, but gives the States the flexibility to protect water quality and protect the local agricultural economy.

Senator BOOZMAN. I would agree with that. The problem is that generally, with EPA, and you have experienced this in North Carolina, they agree with you unless the State disagrees. That becomes a problem.

For our small farmers, and I agree with everything you said, regarding the burden on particularly our small farmers. As EPA director, what is the significant nexus test regarding Waters of the U.S.? What is the nexus test? What would you tell our farmers?

Mr. REGAN. What I think I will tell our farmers is that with this Administrator, we are going to have an open door policy. I want to hear from our farming community. I want to hear about the administrative burdens that they felt they suffered as a result of some of what they call definitions that they did not understand.

But I also want to make it a point that in North Carolina, one of the biggest problems we saw was the lack of resources in my department to provide technical assistance to these farmers. I don't believe that small farmers are looking for a shortcut, and I don't believe that small farmers do not want to protect our wetlands and our water quality. We have to work together to make sure that we have a rule that is understandable but protective of, again, our water quality as well as not overburden our small farmers. I believe that we can do that if we have more conversations.

Senator BOOZMAN. Good. Well, we look forward to working with you on that. And it really is important. Listening to you, you understand the importance, and I appreciate that.

Also, I agree with the statement about the fact that I know that in North Carolina, Arkansas, almost all of our States, the resources to actually educate farmers in lots of different things is lacking.

Mr. REGAN. Yes, it is.

Senator BOOZMAN. So hopefully we can help with that, also.

Mr. REGAN. Absolutely.

Senator BOOZMAN. Thank you very much.

Senator CAPITO. Thank you.

Senator Markey.

Senator MARKEY. Madam Chair, can you hear me and see me?

Senator CAPITO. I can hear you, but I can't see you, but I bet I will in a few minutes. I can hear you though, very well. There you are.

Senator MARKEY. OK, beautiful, thank you, Madam Chair.

Welcome, Mr. Secretary. I have looked at your outstanding record. I know that you are going to do an outstanding job at the EPA.

What I would like to do is, begin talking about clean car standards and our ability to lift the overall energy efficiency of the vehicles which we drive in the United States of America. We have had a rollback over the last 4 years, but we have had big developments very recently where General Motors has now announced that they are going to end their production of the internal combustion engine vehicles by the year 2035. China is on a similar course. Europe is moving very aggressively.

Are you committed to using the authorities you have at the EPA in order to increase those fuel economy standards? And do you believe ultimately that there are consumer benefits to having these much more efficient vehicles be put on the roads and given as an option for consumers to purchase?

Mr. REGAN. Thank you for the question, Senator.

I do anticipate using our statutory authority to set the rules for the road. And I believe that we are going to do it in a way that it complements the aggressive goals set by and established by the private sector, the automobile industries.

We believe that the market is trending in a specific direction. And we believe that we need the right policies and the right regulations to be sure that all of the players understand that there is a level playing field and understand the rules of engagement.

There are tremendous benefits to moving in this direction. There are tremendous benefits to the economy; there are tremendous benefits to our automobile manufacturing sector in terms of production. There are tremendous benefits from a health and climate standpoint.

We have to do a good job of having robust conversations with all the stakeholders, so that we can really, really take advantage of the win-win-win, and that our strong labor force can see themselves in this vision for the future.

Senator MARKEY. So, I agree with you, it is good for the climate and environment, it is a job creation engine, and it actually ultimately helps consumers with lower prices in the long run. So I agree with you a hundred percent.

Will you work to ensure that States like California and Massachusetts can work toward the creation of their own standards to make sure that vehicles in those States meet the highest standards?

Mr. REGAN. Absolutely. I believe in following the law and following established precedents. I think that the California waiver exists for a reason. I think there is a process that we should follow, and if those States follow those processes and want to be champions in this arena, then they can go forth and conquer, and the rest of the country can learn from these first mover opportunities that they are taking advantage of.

Senator MARKEY. I agree with you. The States can move, and you can move. We are so glad to have you there. We can turn EPA into Economy Protection Agency, we can turn the EPA into Emissions Prevention Agency. I just think we are on the cusp of a great new era.

I would love to turn now to our conversation about environmental justice. You just had a great conversation with Senator Booker. I have introduced legislation, the Environmental Justice Mapping and Data Collection Act. The reason I have done that, with Congresswoman Cori Bush, is to make sure that we actually measure the pollution, measure the environmental damage. Because if you can't measure something, you can't plan to deal with it.

So what do you think about that kind of legislation, and those kinds of tools being given to you so that that kind of mapping can be done all across the country, and as a result remedial actions can

be taken in a much more wise and targeted way? But also knowing that it is disproportionately in Black and Brown communities all across the country.

Mr. REGAN. Thank you for that, and thank you for your leadership on that. I believe that the more data that we have, the more modeling that we have, the more tools that we have that paint these pictures, the easier it is for us to make the case. We know that there are disproportionate impacts to many of our communities.

So the more data we have, the greater ability we have to rectify those problems. I also believe that tools like that, and we have seen this in North Carolina, when you put tools like this in the hands of our economic developers and our locally elected officials, No. 1, they will take action or help support State agencies take action. But No. 2, as they do their long term planning to recruit new industries, they have a better sense of what the cumulative impact could be to these communities based on the decisions that they are making.

So I believe it gives business also a clearer understanding of how to plan for economic development projects as well.

Senator MARKEY. So President Biden has—

Senator CAPITO. Senator Markey, time.

Senator MARKEY. Thank you, Madam Chairman.

I am looking forward to working with you, Mr. Secretary.

Senator CAPITO. Senator Wicker.

Senator WICKER. Hello, Mr. Regan. Glad to get a chance to see you in person. Thank you for taking the time to talk to me a couple of times on the phone.

When we visited, I mentioned that I was stationed in your home town of Goldsboro, North Carolina, for some 4 years. We lived on Elm Street, and it turns out we were practically neighbors when we were there for the 4 years.

Mr. REGAN. That is right.

Senator WICKER. North Carolina has become a lot more urban since I moved away in 1980. But still a lot of rural small towns, rural communities, and I would imagine a lot of rural water associations. Is that correct?

Mr. REGAN. That is correct.

Senator WICKER. And you had a chance to work with them as Secretary, DEQ Secretary of North Carolina?

Mr. REGAN. Yes.

Senator WICKER. Let me ask you if you agree with this. There is not a single water association board or board member that doesn't want to comply with the Clean Water Act or the Safe Drinking Water Act; it is just a matter of having the expertise and the resources to do so. Am I generally correct there?

Mr. REGAN. That is correct.

Senator WICKER. So in working with these volunteer association boards to comply with the new requirements, there are two ways to approach this. One would be to impose penalties on them for not getting to where they need to be, and the other would be technical assistance, financial assistance, and resources to help them get to where you want them to go, and where they want to get to.

I like the second approach. What do you say about that? And what has been your experience as DEQ Secretary?

Mr. REGAN. My experience as DEQ Secretary is that No. 1, people don't like surprises. They like to understand the rules of the road, and they like certainty. Where we have been most successful is the ability to provide technical assistance so that folks do not run afoul.

Senator WICKER. OK. But also, a lot of times when they are running afoul, as you say, it is something that they didn't bring upon themselves, it is just their inability to afford the new equipment or the new hardware that it takes to get where they want to go. That is where the assistance and the technical assistance comes in. I think you and I are on the same page there.

But I hope you can assure me that you are going to work in a collaborative way with these associations who absolutely want the best water and the cleanest water for the members of their association and the neighborhoods.

Mr. REGAN. I will. And this is where the President's plan looking at the number of investments that we need in our water infrastructure is so critical. In North Carolina, we have somewhere between \$17 billion and \$21 billion worth of water infrastructure needs. We have advanced technologies that can detect water chemicals and pollutants that no one ever dreamed of.

We have to find a way to partner with these water associations, invest in this infrastructure, so that we can do a couple of things. The first is that we can protect water quality. But No. 2, without this infrastructure, these rural towns and cities are lagging behind in the ability to develop economically and attract businesses.

Senator WICKER. I think I am understanding from your answer that North Carolina rural water associations are not quite there yet either, and it is going to take some Federal assistance.

Mr. REGAN. I think every State is struggling, across the country, sir.

Senator WICKER. Let me mention one other thing. Senator Cardin went on about Chesapeake Bay, Senator Whitehouse could hardly wait until he got to the microphone to mention Narragansett Bay. I am sure they are mighty fine. There is also the Gulf of Mexico. I certainly hope you will be down to see us soon in the Gulf of Mexico.

You should know, if you don't already, that after the Deepwater Horizon spill in 2010, the largest oil spill in the history of the country, Congress passed the RESTORE Act. There is a RESTORE Council. Are you aware that they unanimously voted, the council unanimously voted that the EPA Administrator would serve as Chair of that council? Are you ready for that?

Mr. REGAN. I was not aware of that.

Senator WICKER. OK. Well, I am telling you for the first time that you are. Under the previous Administration, the Chair worked collaboratively with the five States on the RESTORE Council. So if confirmed, you are going to need to get back to us and tell us how you would work and view your role as Chair of the RESTORE Council, which is responsible for deciding how the support for the impacted areas will be handled.

Mr. REGAN. Thank you for that. I can tell you just based on my experience, the way I would manage that body is, No. 1, ensuring that all the stakeholders have a voice. No. 2, that we understand what the clear rules of engagement are. And No. 3, that we will follow the science and the intent, the original intent of this RESTORE Council.

I believe firmly that rules are set for a reason, that science and data can inform us, and that all of the people sitting at the table should have an equal voice in terms of how we move forward to find solutions.

Senator WICKER. I can't wait to see you down there.

Madam Chair, I just might observe that as other members have found, you have sped that clock up this afternoon somehow.

Senator CAPITO. And your time is over.

[Laughter.]

Senator WICKER. Thank you, ma'am.

Senator CAPITO. Senator Duckworth.

Senator DUCKWORTH. Thank you, Madam Chair. I am trying to start my video, but it does not seem to be working.

Senator CAPITO. We can hear you, for sure.

Senator DUCKWORTH. OK, great. I am going to go ahead and start with my questions.

Thank you so much, Mr. Regan, for, as we discussed, for your being here. And as we discussed during our courtesy meeting, solving our climate crisis must be a top national priority. A critical pillar of this effort should be the American biofuel industry. In particular, farmers and others in Illinois and throughout the heartland are ready to do their part to help lower carbon emissions in the transportation sector and reduce dependence on foreign oil, all while creating or supporting quality jobs right here at home.

It is hard to think of a better way to put American interests first than supporting the U.S. biofuel industry. That is why one of the most surprising actions of the Trump administration may have been its cynical betrayal of the Midwest. While the former President campaigned on grand claims of being a champion of the renewable fuels standard, upon entering office, however, the Trump transition immediately empowered a billionaire in the oil refinery business to begin secret plotting to dismantle the RFS.

My constituents in Illinois were betrayed, but remain optimistic that the Biden administration will be a staunch champion of our farmers and of American biofuels.

Mr. Regan, if confirmed to lead EPA, will you prioritize the faithful execution of the bipartisan RFS program just as Congress intended?

Mr. REGAN. Thank you for that question, Senator Duckworth. You have my commitment that we will take a look at the RFS program, and we will introduce some transparency into that program. We will let science lead us, and we will follow the letter of the law as it was intended for that program.

President Biden has not been shy that agriculture will have a seat at the table as we tackle climate. And he has been specifically focused on biofuels and advanced biofuels. One of the first conversations I had upon nomination was reaching out to now-Sec-

retary Tom Vilsack to talk about how we can partner together to pursue these efforts.

So you have my commitment in this area.

Senator DUCKWORTH. Thank you. We also need to look backward a little bit in terms of the backlog. Much attention was given to the prior Administration's unlawful abuse of exemptions for oil refineries.

However, the Trump administration's sabotage of the RFS program was not limited to doing the bidding of big oil. In fact, EPA was also slow to act, or refused to act in certain cases on applications from innovative American companies developing new, advanced biofuels that are ready to qualify for the RFS.

EPA now faces a huge backlog of applications, some of which have been sitting for over 4 years. If confirmed, will you commit to prioritizing clearing this backlog so that new, climate friendly biofuels can enter the market as soon as possible?

Mr. REGAN. Thank you for the question, Senator. I will spend some time with our staff taking a look at this backlog, and working on processes of efficiency so that we can make up for lost time.

Senator DUCKWORTH. Thank you.

I also want to talk to you a little bit about environmental justice. My partner in this, Senator Booker, initiated the conversation. We have talked about this at length on both sides of the aisle. I am so happy to see that there is bipartisan support for fixing environmental injustice.

If confirmed, what actions would you take to institutionalize a focus on environmental justice in every region of the EPA?

For example, some of the injustice happens because of structural injustice. You just don't have enough staff members that can do the monitoring, that can actually go out there in some of these regions, whether it is the south side of Chicago, or a rural community like Sauget, Illinois, in far southern Illinois, where there is just not enough people to go out there and actually maintain the ambient air monitoring of chemical emissions.

What would you do to fix that, to actually fix the inequities within the institutional structure of EPA, so that we have a focus on environmental justice in every region where EPA is?

Mr. REGAN. Thank you for that question. I am proud to say that President Biden has made environmental justice a centerpiece of this Administration. So we are going to have some help in terms of looking at CEQ and other agencies as well.

But as it relates to EPA, it is my intent to have an environmental justice and equity advisor to the Administrator, if I am lucky enough to be confirmed. We also are looking at how we need to organize EPA to be sure that environmental justice and equity is a top priority. We know that in looking at the preliminary hiring of a lot of officials at EPA we will have environmental justice and equity experts, people who have on the ground experience and expertise placed in all of our media offices, so that that lens is applied at every level of our decisionmaking.

We have a lot of work to do. We have a lot of ground to make up. I am sure that I will be back before this Committee asking for additional resources in this area to be sure that all Americans have access to clean air and clean water.

Senator DUCKWORTH. Thank you. In the coming weeks, I will be introducing the comprehensive Environmental Justice for All Act in coordination with leaders of the House EJ Caucus, who will also introduce the House companion bill. If confirmed, will you commit to directing EPA to provide technical assistance to support my office and this Committee so that we may strengthen and advance this important legislative proposal?

Mr. REGAN. Thank you for that question. You have my commitment that the staff and myself at EPA will be a partner in any legislation that advances this topic and helps us do a better job of protecting each and every American in this country.

Senator CAPITO. Thank you, Senator Duckworth. Your time is up.

Senator DUCKWORTH. Thank you, Madam Chair.

Senator CAPITO. Senator Ernst, I believe, wants to question but in person. She is not here, so we will go to Senator Van Hollen.

Oh, excuse me.

Senator CARPER. Before we do that, could I ask unanimous consent to place in the record a statement from, gosh, over 20 agricultural organizations, in support of the nomination of Secretary Michael Regan?

Senator CAPITO. Without objection.

[The referenced information follows:]

January 20, 2020

The Honorable Thomas R. Carper
Chairman, Committee on Environment & Public
Works
United States Senate
Washington, D.C. 20510

The Honorable Shelly Moore Capito
Ranking Member, Committee on Environment &
Public Works
United States Senate
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Moore-Capito:

The undersigned national agricultural organizations wish to extend our support for the nomination of Michael Regan to serve as Administrator of the Environmental Protection Agency.

We represent America's farmers, packers, processors and the many sectors that provide goods and services to them. Our members work hard every day to provide food, feed, fuel and fiber to America and the world. In doing so, we create millions of American jobs and support the nation's vital rural economy. Farmers and ranchers are the nation's original environmental stewards, ensuring that natural resources are preserved and protected for future generations. They do this by utilizing long-standing agricultural practices while embracing cutting-edge technologies to increase efficiency, capture carbon and reduce the nation's overall environmental footprint.

As Secretary of the North Carolina Department of Environmental Quality, Michael Regan has an established record of listening to all stakeholders, including farmers and ranchers. During his tenure, he has worked to find practical, sound solutions to myriad environmental issues in the state, while ensuring science and data guided his decisions. He also understood the impact those decisions would have on rural communities and the families that live and work there.

We believe the same qualities that Secretary Regan has exhibited in his current position will be carried over to his leadership at EPA. We look forward to working with him on the numerous environmental issues facing our nation and fully support his nomination as the next Administrator of the Environmental Protection Agency.

Sincerely,

Agricultural Retailers Association
American Farm Bureau Federation
American Seed Trade Association
American Soybean Association
American Sugarbeet Growers Association
Biotechnology Innovation Organization
Corn Refiners Association
Crop Life America
National Association of State Departments of
Agriculture
National Association of Wheat Growers
National Corn Growers Association

National Cotton Council
National Council Farmer Cooperatives
National Farmers Union
National Milk Producers Federation
National Pork Producers Council
National Sorghum Producers
National Turkey Federation
North American Meat Institute
The Fertilizer Institute
United Egg Producers
United Fresh Produce Association
USA Rice Federation

Senator CAPITO. Senator Van Hollen.

Senator VAN HOLLEN. Thank you, Madam Chair, thank you and Senator Carper and the others.

Mr. Regan, congratulations on the nomination. Thank you for your service in North Carolina.

Just at the top of my question and comments here, I do want to associate myself with the remarks of Senator Duckworth, and appreciate the focus on environmental justice and also with respect to Senator Merkley and other comments about the President's climate change agenda and how that is so important for American jobs. We don't want to leave any community behind, as you say.

But by not engaging, by leaving the Paris Accord, by ceding leadership to China and others, we actually fell behind in an area that is essential to American jobs and good paying, homegrown jobs. The costs of doing nothing not only come in the form of more severe weather events and other costs to all of our communities, but also in lost job opportunities in the clean energy sector. So I appreciate this Administration's focus in that area.

I want to follow up on some of the comments of my colleague from Maryland, Senator Cardin. On this Committee, you have a number of Senators very engaged in the Chesapeake Bay protection, including Chair Capito and Chairman Carper, Senator Cardin, and myself. It is because it is a multi-State responsibility. Because it is a multi-jurisdictional responsibility, EPA is right at the center. It is part of the glue that helps all of us row in the same direction. At least that is what we are supposed to be doing.

And so over the last many years, we have succeeded on a bipartisan basis in preventing deep cuts proposed of the previous Administration to the EPA program. I want to thank my colleagues on both sides of the aisle for that effort. We are going to need you front and center here now to make sure that we hit our goals under the Chesapeake Bay Agreement for 2025. Some States, all States can do better, but some States are really lagging behind, including the State of Pennsylvania.

So I just need your commitment that you will work with us across the State lines to make sure that we hit our targets in pollution reduction in accordance with the 2025 goal.

Mr. REGAN. Thank you for that, Senator Van Hollen. Yes, absolutely, it is my goal and desire to mobilize all of the resources that we need at EPA to be a partner to these States, so that we meet that 2025 goal.

Senator VAN HOLLEN. All right, because we are already behind. And in the case of Pennsylvania, significantly behind. We had hoped to work with the previous Administration to close that gap, and of course, in the State of Pennsylvania, lawsuits have been filed both by the State of Maryland but also other organizations. We would like to resolve these issues as soon as possible.

Let me ask you about the Good Neighbor Air Transport Issue. Maryland has worked over the decades to address the issue of air pollution originating in other States, but falling in Maryland and into the Chesapeake Bay. In 2018, the Trump administration's EPA denied Maryland's good neighbor petition under Section 126(b) of the Clean Air Act regarding 36 upwind electric generating units in five other States. On May 9th of last year, the D.C. Circuit

Court of Appeals granted Maryland's good neighbor petition for review in part and remanded the issue to EPA.

I would like to get your commitment here today to work with us to address this downwind air pollution issue and a new review of Maryland's good neighbor petition under the Clean Air Act.

Mr. REGAN. Thank you for that question. You do have my commitment that this agency would review that petition. North Carolina is one of the States that has had to exercise that good neighbor petition. We were granted the petition, we ended up in court, and we won under the leadership of now-Governor Cooper.

So we understand the impact of transport and the implications that that might have on a State's economy. So you have my commitment that we will review that.

Senator VAN HOLLEN. I appreciate that. And finally, just as you probably know, thousands, actually, over a thousand really dedicated EPA employees have left the agency over the last 4 years, including a lot of people with very special expertise. So I hope you will work with our entire committee as you seek to rebuild morale at the EPA.

Thank you.

Thank you, Madam Chair.

Senator CAPITO. Thank you.

Senator Carper.

Senator CARPER. Yes, let me just say to Senator Van Hollen, who is leaving our Committee and is going to join the Foreign Relations Committee, something he has wanted to do for a long time. Just to say how much we valued, how much I valued his work with us, and the spirit that he brings to these issues.

I want to draft on him for a minute, Mr. Regan, just want to draft for a minute, that is what we say in NASCAR. I want to draft on Senator Van Hollen just for a minute on the air transport issue, a similar situation. When I was Governor in Delaware, roughly 80 to 90 percent of the harmful emissions that come into our State, air emissions, come not from generated within, they come from without, and they are blowing into our State, from the north, from the west. I used to say I could literally shut down the economy of the State of Delaware, shut it down, and we would still be out of compliance.

We basically got no help from the last Administration, and I am encouraged to hear that this is something you are knowledgeable about and have worked on before. We look forward to making sure that we treat other people the way we want to be treated. It is the Golden Rule all over again in a way everybody can understand.

I want to just mention some of what we are experiencing. Delaware is the lowest lying State in America. Our State is sinking; the seas around us are rising. That is something that we are witnessing. We have also witnessed in this country, in 9 in the last 10 years the hottest on record. Hottest on record.

About a year ago, they had hurricane force winds in Iowa in the middle of the year, wiped about a third of their crops. Fire storms in California last year, Oregon and Washington last year, the size of my State.

Sea level rise in Louisiana, we are reminded by our colleagues John Neely Kennedy, Bill Cassidy, in Louisiana, they lose a foot-

ball sized area of wetlands every 30 minutes to the ocean, to the sea. Every 30 minutes. I remember being down in that State with Senator Landrieu maybe 10, 15 years ago. She said they would lose maybe one or two football fields of land, now it is like one every 30 minutes.

Sea level rise in Louisiana, Arctic Circle. My wife was down in Antarctica a year ago. The temperatures down there broke records, all time records. We learned earlier last year that in the Arctic Circle, the temperature there reached 100 degrees Fahrenheit. In the Arctic Circle, 100 degrees Fahrenheit.

We have more named hurricanes last year than any year before. We ran out of names, we had to start with a new alphabet or something, as I recall. And I understand Hurricane Laura damaged last year, the property damage, casualty damage, was \$19 billion. Last year we had 22 \$1 billion disasters that flowed from hurricanes and storms, 22 in excess of \$1 billion.

Hurricane Florence was just in North Carolina alone, I am told, \$24 billion. And the science is in, the reason why all this calamity and extreme weather is going in and the enormous loss of life and danger and property and economic value is because we have too much carbon in the air. We have too much carbon in the air. And too much methane in the air. We have too much HFCs, hydrofluorocarbon, in the air. And we have got to do something about it. If we don't, it is just going to get worse. In fact, it has been getting worse.

The question is, can we do something about it, reduce the HFCs, reduce the carbon dioxide, can we do those things and create economic opportunity and jobs, the kind of stuff that Senator Sullivan is talking about? Every fiber of my being says we can do both. I think we got to, we have to do both.

Would you just comment on that again? I know you have talked about it, but just come back to it again.

Mr. REGAN. Thank you for that. I absolutely agree that we have to do something about it. In North Carolina alone, in the last 5 to 7 years, we have seen three or four so called 500 year, 1,000 year floods. These storms are very intense. We know that human activity is contributing to the intensity of these storms. So not only do we have to focus on solutions to mitigate climate change, which President Biden's aggressive agenda demonstrates that we can create good jobs on the mitigation side.

We have also got to design resiliency in infrastructure plans, so that we can adjust to this new norm. We've got to adjust to the new storm intensity, the new flooding. We cannot build the same way we have always been. We can't put Humpty Dumpty back together the same way every time.

So the answer to your question is, yes, we believe that human activity is intensifying this situation we find ourselves in. Yes, we believe that there are solutions to mitigate climate change. Yes, we believe that we can create jobs and safety while becoming more resilient. And yes, we believe that we can create jobs on the mitigation side as well.

We believe that there is safety, that there is health outcomes, and there is job creation in all of these various scenarios. We just have to have a plan. We all have to be rowing in the same direc-

tion. And we have to come together, and everyone has to see themselves in this vision that we are painting.

Senator CARPER. Senator Coons and I had the opportunity to have a conversation today with our new President. We talked about what to do to help people, some of the kinds of people that Senator Sullivan was just talking about, people whose job skills may be are not relevant, maybe they just—that is the wrong way to say it, that it is not relevant. But there is just not the demand for those skills that there might have once been. Is there something that we can do to help them?

One of the things we are experimenting with in Delaware, and you might want to consider this in other places, is how do we help folks to retrain, retool, to fill the jobs that are out there?

I grew up in West Virginia, born in West Virginia. A lot of my neighbors were coal miners. We used to have hundreds of thousands of jobs in coal mining, including a bunch in West Virginia. I think in the country now we might have 50,000 jobs.

We can't just forget those people. We have to find something to help them to do, to find new skills. Just give us some examples of how we might do that.

Mr. REGAN. One example is looking at President Biden's executive order solely focused on this question, looking at how do we help transition our States that are heavily dependent on coal and mining. The reality is that as we think about EPA sort of setting the rules of engagement for the level of emissions that we need to reduce in order to save the planet, the reality is that there are other agencies that are also major players in this that have resources to invest in research and development.

We can really think about some new advantages in the supply chain that coal actually offers. We can really think about when we retool these communities, really understanding what the skills are. Most of the skills are transferable to needs that we have right now in terms of infrastructure, filling a gap for some of the research and development that is going into new science, technology, and the like.

So my point is that I don't believe there is a silver bullet. I believe that it requires a robust conversation. I believe the market is trending in this direction. I believe technology is trending in this direction. I believe that American ingenuity, if we can all come together, can solve these problems, and we can lead the world.

Senator CARPER. I believe we have a second round. I appreciate the time. Thank you, Madam Chair.

Senator CAPITO. Thank you.

Senator ERNST.

Senator ERNST. Thank you, Madam Chair, and thank you, Mr. Regan, for appearing in front of our Committee today. I have a couple of really important issues that I want to visit with you about, very important to our Iowa farmers and our producers. I am so thankful to have had the conversation we did the other week. So thank you so much.

One of the most important issues that the EPA will consider for my State is how to handle the renewable fuels standard. We all have very differing opinions maybe on this Committee. But it is very important to Iowans.

Should you be confirmed for this position, waiting on your desk with anticipation when you get through the door will be a number of pending items related to the RFS. There will be some decisions on small refinery exemptions. You will have an RVO for 2021, there are pending cellulosic biofuel petitions, and a request by Governors to waive the RFS program because of COVID-19.

Then a few months later, EPA will begin figuring out the 2022 RVO and how to handle volumes in 2023 and beyond, as well as determining how to handle some regulatory hurdles facing fuels, like E-15. There is a lot going on in this space.

So in short, because there is a lot happening, EPA really does need to step in and provide guidance. So how will you ensure that these important matters, which really do have an outsized impact on many States like Iowa, and for a number of these States in the middle of the country. How will you look at this and make sure that they get handled in a way that provides further economic opportunity?

Mr. REGAN. Thank you, Senator, for that question. I too have enjoyed the conversations we have had on this topic.

RFS is definitely a priority for this Administration. I recognize that there will be a number of things sitting on the desk if I am fortunate enough to be confirmed.

The reality is that I want to sit down with my staff, sit down with legal counsel. There are a number of things that are caught up in litigation. There are a number of things that we need more transparency around how we arrived to those decisions. And we need to be sure that the agency actually applied the latest data, the latest science, and followed the letter of the law in some of the decisions that have been made.

So we plan to do a thorough review of all of the decisions that fit under the umbrella of the RFS. But we don't plan to do that without consultation with you and with other stakeholders that will be impacted by these decisions.

What I can promise you is, we will take a no surprise approach. We will be extremely transparent. We will be forthcoming with the science and the data and the legal determinations that we come to in order to make those decisions. And we will share those decisions with you.

Senator ERNST. I think that is a very important first step. Hopefully, we continue to work beyond that. Transparency is something that we have felt has been lacking. And we fully expect that to have integrity in any sort of program, we need that from the EPA. We need to understand how those decisions are being made.

So if confirmed, staying on the topic of the RFS, can you commit to a strong and growing role for corn ethanol in the RFS, including for 2023 and beyond, when the statutory tables have expired? Again, we have some hurdles coming up after 2022. EPA will be heavily, heavily involved in this. We do want to see the continuation of our renewables. Is that something you can commit to?

Mr. REGAN. Yes. I can commit to the fact that the President has indicated that agriculture will have a seat at the table in this Administration, especially as it relates to climate change. We are going to take a look at all the latest science and be sure that we are communicating that with you all.

There is a commitment that, again, following the science and following the letter of the law, the intentions of the RFS will be a top priority for us.

Senator ERNST. Wonderful. My time is running short, so I am going to jump ahead to WOTUS. On the first day in office, President Biden gave clear direction to EPA to review and rescind a number of the Trump EPA's major rulemakings, including the Navigable Waters Protection Rule. As you know this rule replaced the Obama administration's 2015 WOTUS rule. And the Navigable Waters Rule does enjoy widespread support from our farmers and ranchers.

If confirmed, do you intend to rescind the Navigable Waters Protection Rule?

Mr. REGAN. Thank you for that question. If I am confirmed, I plan to take a look at what our options are to address any kind of lingering concerns, whether that be litigious or concerns with the community, bring our stakeholders together, as I have done in North Carolina, and take a look at what do we need to do to move forward to provide some certainty to our farming community, especially our small farmers, so that decisions can be made and investments are not stranded on the sidelines.

But I also want to be sure that we do that in a way where we are protecting our water quality, our wetlands, and our bays.

Senator ERNST. And I always believe, and maybe you do as well, but our farmers are the first conservationists and do a very good job through education and other means of putting those things into practice. So I appreciate that.

Senator CAPITO. Senator Ernst, your time is expired.

Senator ERNST. What we don't want to do is exacerbate the problem further.

Thank you very much for your indulgence, Madam Chair.

Senator CAPITO. Thank you.

So I believe all our members have, wishing to ask a first round of questions have had the opportunity to do so. I am going to ask if you are OK if we go to a second round. I don't want to be very long, I don't believe. Do you need a little bit of a break, or are you OK?

Mr. REGAN. I am fine, thank you.

Senator CAPITO. And your son is amazing. He is great. I have been watching him. I have seven grandchildren; not sure that would happen at our house.

Senator CARPER. When our boy was that age, what is he, 8 or 9?

Senator CAPITO. He's 7.

Senator CARPER. When my boys were that age, no way in the world I would have brought them to a hearing like this. I don't know if you have him sedated or what. He is a trouper.

[Laughter.]

Mr. REGAN. There is a toy in the deal, Senator.

Senator CARPER. I hope it is a good one.

Senator CAPITO. I hope it is a good one, yes.

[Laughter.]

Senator CAPITO. So I am going to yield my first questioning time to Senator Sullivan, then we will go to Senator Carper.

Senator SULLIVAN. Thank you, Madam Chair.

Mr. Regan, thanks again. I do want to, of course, get your commitment, if confirmed, to get up to Alaska.

Mr. REGAN. Yes, you have my commitment.

Senator SULLIVAN. Absolutely great.

Listen, to my friend Senator Carper, who is a good friend of mine, I just want to caution everybody on these discussions, the discussion of like, what is a relevant job and what isn't. All my constituents have relevant jobs right now. Let me give you one example. We can grow the economy, create millions of jobs and reduce greenhouse gas emissions.

How do I know? Because we have already done that. From 2005 to 2017, the United States reduced greenhouse gas emissions by almost 15 percent. That is more than any other major economy in the world, by far. How did that happen? It wasn't EPA regulations, no offense to the EPA, Obama, Trump, now Biden. It was the revolution in natural gas, period. Everybody knows that. President Biden used to brag about it last year on how important it is. That is oil and gas workers.

So they are incredibly relevant. So we need to be cautious. Every job is relevant. My constituents have very relevant jobs. The last thing we want is to have senior Administration officials, John Kerry, Gina McCarthy, others, telling Americans what is relevant and not. That is not the way to bring people together.

I want to talk a little bit about Alaska. We are the classic place where one size does not fit all. We are very big. My Texas colleagues get sick of it when I talk about we are two and a half times the size of Texas. If you split Alaska in half, Texas would be the third largest State in the country.

But I mention that because so many things EPA does have an enormous impact on my State. Let me just give you a couple of stats. Alaska is home to 63 percent of the Nation's jurisdictional waters under the Clean Water Act. We are home to 65 percent of the Nation's wetlands. Sixty-five percent of America's wetlands reside in my State.

So that is why issues like the Waters of the U.S. are really, really important to my constituents. We have more coastline than the rest of the lower 48 States combined. We do, just in my State.

So these issues are huge in Alaska, which is why I look forward to getting you up there if confirmed.

Now, I want to turn to this really important issue, I am glad you are raising it, equity and environmental justice. The one groups that I want to talk about in particular are the large minority group in my State, which are Alaska Natives. The population includes my wife, my daughters, almost 20 percent of the population.

We have over 30 communities in Alaska, mostly Alaska Native, that have no running water, no flush toilets, nothing. So one of my first pieces of legislation that I passed in this Committee with Senator Boxer was for communities that are disadvantaged like that.

So can I get your commitment, if confirmed, to work with me on this issue, which just shouldn't happen. There shouldn't be communities in America that don't have running water and flush toilets. Can I get your commitment on that?

Mr. REGAN. Senator, absolutely. Absolutely.

Senator SULLIVAN. That is an equity and environmental justice issue if there ever was one.

Let me turn to a big map that I trot out a lot. This is from the American Medical Association. We are talking about jobs, why these policies are important for jobs. I am going to talk about not just for jobs, but for lives.

The AMA did a study from 1980 to 2014, and it looked at what part of the country, what region had life expectancy increases. Where you see blue and purple, that is the most. My State had the biggest life expectancy increases in the country by far, 7, 8, 9, of up to 13 years.

I have asked my colleagues in debates, because I have trotted this out a lot, give me a policy indicator more important is, are your constituents living longer. There are not many. In my State, that has happened. The reason it has happened is because these communities that you see in Alaska, where there is a big life expectancy, A, they start from a very low level. Most of the Alaska Native communities, really low life expectancies.

But what happened from 1980 to 2014 is resource development happened. Oil and gas happened. Mining happened. That is why I get so emotional about these issues.

These are equity issues. These are environmental justice issues. If this Administration wants to shut down these kinds of economic opportunities, this impacts people's jobs but also how long they live. So I would like to get your commitment before any big decisions are made on undermining these kinds of industries to work with me, work with my stakeholders.

Madam Chair, I would just like to introduce a Wall Street Journal op-ed from the Mayor of the North Slope Borough, Inupiat leader that was entitled Goldman Sachs to Alaska Natives, Drop Dead. This was all the big banks, saying, we are not going to invest up there. What he said in his op-ed was, then I worry about the livelihood and life expectancy of the Native people of Alaska.

So when you are talking about environmental justice, please don't forget about the Native people of my State. Because they have benefited from oil and gas and resource development jobs in a way that most Americans can't even imagine.

So can I get your commitment when you are working these equity, environmental justice issues, to have my constituents front and center in your mind as well?

Mr. REGAN. Senator, I look forward to working with you and your constituents on all of these issues. And I would really love to get the details and the data behind that life expectancy chart there. I would love to study that, and have my staff study that.

In areas where States are leading, we want to learn from those States, we want to replicate those things. So I look forward to that.

Senator SULLIVAN. Great. Thank you very much.

Senator CAPITO. Thank you.

Senator SULLIVAN. Thank you, Madam Chair.

Senator CAPITO. Senator Carper, a second round?

Senator CARPER. Thank you.

Great source of greenhouse gas emissions in this country are mobile sources. Cars, trucks, and vans that we drive. We heard earlier today that our friends at General Motors have announced that they

are going to be basically phasing out gasoline and diesel powered cars, trucks, and vans by 2035. A group of five auto companies found common cause with California and about 20 some other States last year to begin reducing and ratcheting down greenhouse gas emissions.

I am encouraged with the letter that has been sent by the auto industry, many companies in the auto industry, to the President just in the past week that there is an eagerness to build on that five State deal, or rather the five car company deal with California, and others. There is a witness, an interest in building on that as a foundation to ramp up greenhouse gas emissions so that actually eliminating gasoline powered cars, trucks, and vans by 2035 is not a pipe dream.

Would you talk about that? Will you talk about the willingness of the Administration to work to try to build on what is already happening in the marketplace and to work with companies like General Motors, Toyota, and others to actually get us to where we are talking about going, reducing emissions from the greatest source, that is our mobile sources?

Mr. REGAN. Absolutely. Thank you for that question and those statements. You are exactly right. I think that we are seeing the markets trend in a direction where technology is leading us. I believe that there are lots of jobs to be had in this area.

Under President Biden's aggressive agenda, there is a real focus on transportation. EPA has a large role in that. I think that we have a lot of authority under the Clean Air Act, using some of our mobile source rules, to really structure and set the stage for how we usher in this new era that we are seeing the private sector move toward.

A couple of points that I would like to make is, No. 1, we have the power to set these standards in a way that, again, defines the rules of engagement so all of these companies can move together in sync, but compete in a competitive market.

No. 2, if we work very hard, we can see the benefits of good paying union jobs here in the United States, help to usher in this new era and earn a great salary at the same time. And No. 3, we will see tremendous benefits, not only from a climate standpoint, but we will see tremendous benefits to air quality.

As we look at our roads and bridges and traffic patterns, we know that many of these roads go through communities that are disproportionately impacted by air pollution.

So there is just so much to be gained here. EPA could play a leading role, using the Clean Air Act and our mobile source rule-making. We can partner well with an automobile industry that is seizing this momentum. And we will get climate benefits, we will get jobs, and we will get better air quality for those who have been disproportionately impacted for too long.

Senator CARPER. Thank you.

I had a conversation with Mary Barra last year, the CEO of General Motors, about the future of the auto industry, and the propulsion in the auto industry. Interesting enough, she said, I was trying to get her, to convince her from GM to join these other five auto companies in the agreement with California and a bunch of States.

She said, I am already on an electric. That is the future, and that is where we are going.

We need three things, in the industry, three things in order to be successful in this regard with respect to electric vehicles and hydrogen powered vehicles. One, she said, we need easy access to charging stations and fueling stations for hydrogen. We need technology that where we have the batteries that can recharge in minutes, not in hours. And she said, we need the ability to get range, at least 300 miles for a vehicle on a full charge of the battery. She said those are three things we need.

One of those is something this Committee can do something about. I am sure my colleague, Senator Capito, remembers this when we passed the 5 year reauthorization of the Surface Transportation Act a year and a half ago in this Committee, we included in there a significant climate chapter. Part of that was building a series of corridors across the country where we have fueling stations and charging stations. That would be part of that, as introduced, as support for moving the industry.

It is no good for us, for GM and Ford and Chrysler and others, to build electric powered vehicles or hydrogen powered vehicles, and nobody is going to buy them because they can't get them charged and refueled. We can do something about that.

Last thing I am going to ask about, renewable, identification numbers. We have a refinery in Delaware City, they keep getting hammered by the volatility of something called RINs, Renewable Identification Numbers. Somebody else I think actually mentioned this in conjunction with renewable fuel standards. It has become a commodity, it is traded in a commodity. It disadvantages refineries, especially the smaller refineries. Because it is like someone is using, making out of this tool that was designed to make the renewable fuels standard work, making it hard to be successful.

Is this something that you are familiar with and care about, know about?

Mr. REGAN. Yes. We have had some discussions on this, and understand how it fits into the full picture of the RFS, and understand that we really need to protect the integrity of these RINs. Also ensuring that we are looking holistically at the original intent of the RFS and the law and applying the correct data and science to be sure that we are protecting the integrity of those RINs.

Senator CARPER. One more quick question if I could, Madam Chairman. Would that be OK, one more?

Senator CAPITO. Sure.

Senator CARPER. Thanks.

Mr. Regan, the AIM Act legislation we passed here, the idea is to ratchet down HFCs over a 15 year period of time. HFCs are a thousand times more dangerous in terms of greenhouse gases and carbon dioxide, as you probably know. Would you commit that if confirmed, you will support the President's direction to the State Department to send the Kigali amendment to the Senate for ratification? And will you make implementation of the AIM Act, which is the legislation that does the phasedown over 15 years of HFCs, to make implementation of the AIM Act a top priority for EPA under your leadership?

Mr. REGAN. Yes. First of all, thank you and the other members for your leadership on that. HFCs is such an important topic.

Senator CARPER. What is it worth in terms of climate change and temperature? Is it half a degree Celsius, just this one thing, right?

Mr. REGAN. It is huge. It is very significant. You guys have done the heavy lifting, and it is our job to do the execution and implementation of that law.

Senator CARPER. Great. Thanks so much.

Madam Chair, I ask unanimous consent to add to the record, to place a tribe's support for the Biden executive order into the record. I would also ask unanimous consent, if I could, to place into the record all materials, a catch all statement, to insert all materials into the record. It is going to be a pretty big record. A variety of materials including news articles, letters from stakeholders, reports, fact sheets and other materials that relate to today's nomination hearing for Secretary Regan to be Administrator of the EPA.

Senator CAPITO. Without objection.

[The referenced information follows:]

2/3/2021 Indigenous Women Call Upon Biden to Stop Pipelines and Uphold Indigenous Rights in the Wake of Escalating Climate Chaos and Covid-...

For Immediate Release

Thursday, January 14, 2021

Organization Profile:

[Women's Earth & Climate Action Network](#)

Contact:

Katherine Quaid, Women's Earth and Climate Action Network (WECAN),

katherine@wecaninternational.org,

Indigenous Women Call Upon Biden to Stop Pipelines and Uphold Indigenous Rights in the Wake of Escalating Climate Chaos and Covid-19 Crises

WASHINGTON - Today over 75 Indigenous women leaders from across the country impacted by fossil fuel extraction and pipeline infrastructure sent a letter to the incoming Administration calling on President-elect Biden to immediately take five executive actions to halt the Keystone XL, Dakota Access, and Line 3 pipeline projects. These executive actions will uphold Indigenous rights, align the Biden Administration with the goals of the Paris Climate Agreement, and keep fossil fuels in the ground.

In the letter, the women wrote: "No more broken promises, no more broken Treaties. We represent Indigenous Nations and Tribes from across the United States all impacted by fossil fuel extraction and pipelines, and we urge you to fulfill the United States promise of sovereign relations with Tribes, and your commitment to robust climate action. Please heed our words, we are the women leaders of our communities and we are calling on you to show us on day one your commitment to fulfilling the U.S. treaty obligations and ending the reign of fossil fuel extraction in our tribal territories."

The Keystone XL, Dakota Access, and Line 3 pipeline projects all pose grave threats to Indigenous rights, cultural survival, local waterways and environments, the global climate, and public health, including greater risk of COVID-19 exposure. The letter also highlights the connections between the epidemic of Missing Murdered Indigenous Women and pipeline construction, and that all three pipelines are moving forward despite a lack of Free, Prior, and Informed Consent (FPIC) as outlined in the United Nations Declaration on the Rights of Indigenous Peoples.

--- SIGNATORY QUOTES ---

"After witnessing the violent attempted insurrection on January 6th, 2021, and seeing 'white privilege' on full display, I am acutely reminded of the drastic contrast of response that Indigenous peoples experienced at Standing Rock where we were attacked by dogs, maced, shot at with rubber bullets, strip searched, put in dog kennels when arrested, and our bodies marked with numbers for peacefully protecting our water and lands. I feel it necessary to call on the incoming Biden/Harris Administration to stop the overall assault on Indigenous peoples and to stand by the promise to 'Build Back Better' in our Indigenous territories by taking executive action to halt the KXL, DAPL, and Line 3 pipeline projects, and acknowledge the racist policies that have allowed the continuing destruction of our homelands. As a Matriarch of the Ponca

2/3/2021 Indigenous Women Call Upon Biden to Stop Pipelines and Uphold Indigenous Rights in the Wake of Escalating Climate Chaos and Covid-...

Nation, I am honored to have the responsibility of caring for the generations to come by ensuring the health and welfare of Mother Earth, Father Sky and Relatives in every form. Life itself hangs in the balance, and we women are coming together to say that we must make the correct choices for our collective future. Now." said Casey Camp-Horinek, Ponca Nation, Environmental Ambassador, Women's Earth and Climate Action Network (WECAN) Senior Project Leader/Board Member.

"These pipelines are the outward manifestation of the rape of not only Mother Earth, but the very real rape of our people. From our bodies to the land and water we all need to survive, they must be stopped to prove this new President, indeed the new administration and electors are serious about real climate change. President elect Biden and Vice President Harris you both signed the promise to cancel KXL and end DAPL. We won't settle for anything less than stopping all three pipelines including Line 3. Our people, your people are at risk. End this madness." said Joye Braun, Cheyenne River Sioux Tribe, Community Organizer with the Indigenous Environmental Network.

"Joe Biden, we are asking you to stand on the right side of history and humanity by putting an immediate end to the deadly pipelines destroying our Earth, our communities, & all life. We are asking you to honor the treaties, Tribal sovereignty, and our shared commitment to being good future ancestors. We are counting on you to be the climate President we all need. Future generations are depending on each of us to do what's right. The time is now to do your part," said Ashley (McCray) Engle, Absentee Shawnee Tribe Of Oklahoma/Oglala Lakota Nation, Indigenous Environmental Network Green New Deal Organizer, and Stop the Plains All American Pipeline founder.

"As the United States is shamed by belligerence and violence at the US Capitol. It is the matriarchal lines, Indigenous women, and Indigenous Nations who bring balance, dignity, honor, and a restoration of faith in democratic values through our millennia-old traditions of diplomacy, law, and governance here in Turtle Island. We call upon the world and President-Elect Joe Biden, to acknowledge the injustice of white supremacy that festers like a wound within the United States. White supremacy and its legalized legacy deny our Original Nations title, jurisdiction, and basic rights to land and life-sustaining water. When we say 'No' to the extraction of natural resources and oil from our traditional lands, we are met with police repression, militarization, and a legacy of racial violence that protects the will of corporations, by and through the infliction of pain on our Indigenous bodies. The silent normalized violence against Indigenous women for natural resources and corporate profit must end NOW! Stand with Indigenous peoples all over the world fighting extractive industries, for land, and life. Help us protect and restore the world for all before it is too late!" said Michelle Cook (Dineh), Divest Invest Protect.

"Newly elected President Biden, we demand you stop all three pipelines. These oil infrastructures are direct cause of Genocide to our Indigenous people and the destruction of Mother Earth. You asked for our votes. We ask for you to take action," said Mechelle Sky Walker, Omaha Tribe of Nebraska, Indigenous Environmentalist and Political Activist.

"Fossil fuels are the horse and buggy of the 21st century. To destroy land, water, and air to benefit the fossil fuel industry as it is on its way out is short sighted and should be criminal. Stop DAPL, KXL, and Line 3 pipelines immediately." said Pennie Opal Plant, Yaqui, undocumented

2/3/2021 Indigenous Women Call Upon Biden to Stop Pipelines and Uphold Indigenous Rights in the Wake of Escalating Climate Chaos and Covid-...

Choctaw and Cherokee, Co-founder of Movement Rights, Signatory on the Indigenous Women of the Americas.

Without a doubt there is little choice left, it is time to come together across our nations to protect Mother Earth, Water and a culturally sustainable way of life, and halt pipelines that depend on tar sand or dirty fossil fuel oil that destroys our planet and hastens climate change. The newly elected government must make this decision too what path to go, halt permitting pipelines or shift and invest in other options," said Chief Judy Wilson of the Union of BC Indian Chief that served over 100 First Nation bands North of the Medicine Line (British Columbia, Canada). Chief Wilson furthered that she supports the call for a "Presidential Memoranda to halt construction and operations of the Keystone XL, Line 3, and DAPL fossil fuel pipeline projects, including the construction of temporary housing for workers, also known as 'man camps'".

"The resource extractive industries like tar sands mining and its pipelines are directly linked to the violence of our Indigenous lands and women. Indigenous women the title holders to our Indigenous Territories are the first to be impacted and have voiced a collective no consent for these pipelines to invade our tribal lands and we have shown we are willing to risk our liberty and freedom and put our bodies on the line to blockade and stop construction of these dirty oil and gas projects, to ensure we have a clean future for our children." said Kanahus Manuel

Secwepemc & Ktunaxa Nations, Secwepemc Women Warriors, Tiny House Warriors. Learn more about the No consent TMX Secwepemc Declaration here: www.secwepemculecw.org.

"Our Indigenous ancestors have a footprint across this continent that spans for at least 20,000 years. We have been conquered, colonized, killed, dehumanized and yet we continue forward. President Biden help make right the injustice set upon our Indigenous Peoples. As the Elder you are, set the course that will help heal Mother Earth and all Her Children. Do the right thing. The honorable and just thing. STOP the KXL, Line 3, and DAPL Pipelines," said Christina Valdivia-Alcalá, Mexican Indigenous/Chicana, Founder/Director Tonantzin Society, City Councilwoman, District 2, City of Topeka, Kansas.

The letter was released in partnership with the Women's Earth and Climate Action Network (WECAN).

###

Biden Revokes Keystone XL, Indigenous Leaders Celebrate and Push for Stronger Action

January 20, 2021

FOR IMMEDIATE RELEASE:

Jennifer K. Falcon, jennifer@ienearth.org, +1 218-760-9958

Bemidji, MN (January 20, 2021) – Today, President Biden officially revoked the presidential permit for the Keystone XL pipeline. This tar sands project, owned by TC Energy, has been challenged by the Indigenous Environmental Network since its first permit hearings back in 2010. While this is a substantial victory for the Indigenous peoples who have been in this fight for over a decade we must not forget about our relatives fighting Line 3, the Dakota Access Pipeline and other fossil fuel projects poisoning our communities and fueling the climate emergency.

"It is imperative that we keep the pressure on President-elect Biden to put an end to ALL fossil fuel infrastructure and projects, making the ones that are near or on indigenous territories of top priority. We love that KXL will be extinguished but what about Line 3, TransMountain, and numerous others? Every project brought back to the desk of elected officials needs to first be in the hands of the indigenous people with indigenous voices having the first and last say over what happens to the land and water." Said Tasina Sapa Win Smith, Co-founder of Cheyenne River Grassroots Collective.

The Keystone XL started as a tar sands campaign led by Cree, Dene and Metis families living with the toxic results of tar sands mining in Northern Alberta. We cherish their leadership and direction through this decades-long fight to stop the expansion of the Tar Sands. It was because of their struggle and our efforts to uplift the Indigenous Rights violations associated with tar sands development, we were able to demonstrate the power of Indigenous resistance and organizing.

"The KXL pipeline would have only deepened our mutual addiction to dirty oil and enable the ongoing expansion of the tar sands at the expense of our communities; as well as at the expense of advancing clean energy," said Melina Laboucan-Massimo, Indigenous Climate Action Director of Just Transition.

Within the context of the Environmental Justice movement, it has always been a challenge for folks to understand the strategic value of an Indigenous Rights framework when it comes to protecting land and water. As Keystone XL became a marquee struggle in the United States, it was our belief that allies could not talk about this fight without addressing the impacts on Indigenous Rights.

"This is a victory and hopefully this is the end of it. We have been fighting KXL ever since we heard about it. It was not only about treaty rights violations, it was also about dirty oil. It was about being in solidarity with the Dene and Cree people in Canada. The State department did not consult with us, they never paid attention to us. Maybe, now they will. Indigenous Peoples have always stood up for Mother Earth and we will never give up that fight." said Rodney Bordeaux, President for the Rosebud Sioux Tribe.

The Keystone XL campaign provided tangible examples of how Indigenous Peoples not only maintain the moral authority to protect their territories but the legal right to deny consent to toxic projects.

"For over a decade, Indigenous peoples and our allies have prayed, cried, and demonstrated to stop this evil zombie pipeline. We look forward to hearing President Biden take further action by stopping DAPL and line 3. Nothing less than stopping these attacks by guaranteeing free, prior and informed consent and establishing a climate test will we consider to call this a complete victory. However, today is a great day. And I thank all that helped us get here." said Joye Braun, Cheyenne River Lakota, Community Organizer with Indigenous Environmental Network

Extraction and pollution have poisoned Indigenous lands and bodies for long enough. Our votes were a mandate for Joe Biden to take bold action. Strengthening tribal sovereignty and our treaties must be built on a foundation of Free, Informed Prior Consent and stopping KXL, Line 3 and DAPL is a great start to that process.

"Once again our prayers were answered by our ancestors. It is a good victory, but we can't forget how many times the government tried reviving the KXL pipeline. We are Oceti Sakowin and we have the power to make things better for the people." said Anaeline Cheek, Tate Ska Washte Win, Indigenous Justice Organizer.

2/3/2021 Biden Revokes Keystone XL, Indigenous Leaders Celebrate and Push for Stronger Action | Indigenous Environmental Network
 ACLU/Kokipasni Grassroots Group. "Through prayer there is unity and strength. Thank you to our spiritual leaders, elders, youth, communities, Grassroots organizers, supporters and allies. Mitakuye Oyasin."

###

Established in 1990, The Indigenous Environmental Network is an international environmental justice nonprofit that works with tribal grassroots organizations to build the capacity of Indigenous communities. I EN's activities include empowering Indigenous communities and tribal governments to develop mechanisms to protect our sacred sites, land, water, air, natural resources, the health of both our people and all living things, and to build economically sustainable communities.

JANUARY 21, 2021

NDN COLLECTIVE RESPONDS TO PRESIDENT BIDEN RESCINDING KEYSTONE XL PIPELINE PERMIT AND VOW TO REJOIN THE PARIS AGREEMENT

The KXL pipeline was set to go through the heart of the Oceti Sakowin Territory. The people came together, resisted the fossil fuel industry and stood up for our lands, water and rights. We will continue to resist and fight.

[SHARE ON FACEBOOK](#)[SHARE ON TWITTER](#)

FOR IMMEDIATE RELEASE: January 20, 2021

Contact: Aprill Turner, 202-499-0102; Cabot Petoia, 828 899-9239

NDN@megaphonestrategies.com

Rapid City, SD — Today, in response to the **news** that President Biden is carrying through his campaign promise to rescind President Donald Trump's permit allowing the Keystone XL oil pipeline to cross the border into the U.S., as well as his continued vow to rejoin the Paris agreement, **NDN Collective** released the following statements:

The KXL pipeline was set to go through the heart of the Oceti Sakowin Territory. The people came together, resisted the fossil fuel industry and stood up for our lands, water and rights. We will continue to resist and fight. We look forward to collaborating with the Biden administration in closing the DAPL pipeline and stopping the Enbridge Line 3 pipeline. These are Indigenous lands and we need to return them to Indigenous hands to protect them, combat climate change and build a better tomorrow. Let this be a warning to the fossil fuel industry that when you come into Oceti Sakowin lands, you will be met with resistance, organized power, and a spirit of a people who will never be broken.

— **NICK TILSEN, PRESIDENT & CEO OF NDN COLLECTIVE**

Chi-miigwech (many thank you's) to President-elect Biden for keeping his promise to the people by rescinding the KXL permit. In this moment, I think of our children and the radically different futures that they deserve. I also think of our water protectors, our frontline fighters, and all others who have prayed and who have been fighting this pipeline project for more than a decade. Especially those who are no longer with us. Thank you. There is more work ahead in undoing the harmful acts of the Trump administration, and we will organize forward.

— **KORINA BARRY, NDN ACTION MANAGING DIRECTOR, NDN COLLECTIVE**

“It is affirming to see the Biden-Harris administration uphold their promises, especially after four years of lies and attacks to Indigenous lands and rights. We look forward to working with the Biden-Harris Administration to confront the climate crisis and environmental injustice throughout this country with bold, Indigenous-led solutions. In addition, we are hopeful by the action to rejoin the Paris Agreement, this is one step in the right direction to build climate justice, and we are dedicated to ensuring that Indigenous rights and Peoples are centered in that document. Lastly, I want to honor decades of work led by Indigenous grassroots organizers — because of them, KXL has been defeated not once but twice, and future generations will have a safer planet because of their determination.

— **JADE BEGAY, CLIMATE JUSTICE
DIRECTOR, NDN COLLECTIVE**

New president, same system. We must get to work to dismantle the pillars that have allowed greed and selfishness to nurture the roots of white supremacy in this country. Our shared responsibilities will fulfill the dream of our ancestors. It is possible to live in a world where stewardship of natural resources is dictated by intelligence and balance. The lies and manipulation of the fossil fuel industry can no longer be accepted as truth. Profits over people must no longer be tolerated if we are to live to see better days.

— **ANDREW CATT-IRON SHELL, ORGANIZER,
NDN COLLECTIVE**

###

NDN Collective is an Indigenous-led organization dedicated to building Indigenous power. Through organizing, activism, philanthropy, grantmaking, capacity-building and narrative change, we are creating sustainable solutions on Indigenous terms.

2/3/2021

Debunking the Trump Administration's New Water Rule - Center for American Progress

Center for American Progress

- [DONATE](#)

ENERGY AND ENVIRONMENT

Debunking the Trump Administration's New Water Rule

By Ryan Richards | March 27, 2019, 9:01 am



Getty/Wild Horizons/UiG

An arroyo, or dry streambed, is seen in the Sonoran Desert in the Tucson Mountains, Tucson, Arizona.

In February, the U.S. Environmental Protection Agency (EPA) released its revised “[Waters of the United States](#)” (WOTUS) rule. The proposed rule dramatically restricts what falls under the purview of

<https://www.americanprogress.org/issues/green/news/2019/03/27/467697/debunking-trump-administrations-new-water-rule/>

1/5

the Clean Water Act, the environmental law that has led to the [cleanup](#) of thousands of rivers and lakes in the United States. The U.S. Geological Survey has estimated that the rule would [remove](#) federal protections for 18 percent of stream and river miles and 51 percent of wetlands in the United States, putting protections at their lowest levels since the Reagan administration and leaving millions of Americans vulnerable to polluted water.

Despite EPA Administrator Andrew Wheeler's [claim](#) that the changes were made to simplify what waterways are covered by the Clean Water Act, a close reading of the rule suggests that the changes add little clarity. In fact, experts have pointed out that the definitions used in the new rule are so general—and stray so far from sound science—that consultants [may be required](#) to determine whether a water body falls under federal jurisdiction. This would place further stress on farmers and landowners who are making good-faith efforts to follow the law.

While Wheeler recently [claimed](#) that “access to clean drinking water worldwide is ‘the biggest environmental threat,’” the rule appears to be yet another gift from Trump’s EPA to polluters, especially the coal and hard-rock mining industries that have already benefited from [myriad](#) Trump administration [policies](#). The proposed rule’s shift away from science will seriously undermine [water quality improvements](#) that have been achieved since the Clean Water Act became law. Not only will the rule’s narrowed definitions overwhelm states with new regulatory responsibilities, but the rule will also kneecap the booming restoration economy. This has been key to drawing billions of dollars in private investment to support environmental restoration and protection.

What counts as WOTUS?

Passed in 1972, the Clean Water Act gives the EPA and the Army Corps of Engineers the responsibility to regulate water pollution. The agencies have written several rules since 1972 to define the bodies of water they must oversee, with new rules being promulgated in response to court decisions. The most recent case, *Rapanos v. United States*, was decided in 2006; the decision was 4-1-4 and defined federal jurisdiction as applying to traditionally navigable waters as well as other waters with a “significant nexus” to navigable waters. The latter refers to those water bodies that affect the chemical, physical, or biological health of navigable waters.

In 2015, the EPA concluded a four-year [scientific review](#) of the nation’s rivers and wetlands to determine what counted as a “significant nexus” under the *Rapanos* decision. It also released a [rule](#) that applied this definition to water bodies. However, industry opposed the rule, and over the subsequent years, litigation limited its implementation to [26 states](#).

Instead of fighting for the rulemaking and ensuring strong protections against water pollution, the Trump administration has continued its track record of supporting industry interests at the expense of the American public. The proposed new WOTUS rule eliminates the categories introduced in the 2015 rule, limiting federal protections to broad categories of “traditional navigable waters”—seas, lakes, permanent or intermittent rivers, and wetlands that either feed into or out of these water bodies. The proposed rule also explicitly excludes ephemeral streams, which flow during and shortly after precipitation events, and wetlands without surface connections to traditional navigable waters. The proposed rule also leaves open the option of removing intermittent rivers and streams before its finalization.

The new rule benefits industry at the expense of public health

A close reading of the proposed rule shows that it includes a big exemption that benefits mining companies. Specifically, it explicitly excludes “water-filled depressions created in upland incidental to mining or construction activity.” While the 2015 rule excluded dry land depressions created by mining or construction activity, it clarified that ephemeral and intermittent streams could still be considered waters of the United States, even if they were dry part of the year.

Ephemeral and intermittent streams are a critical part of hydrology in much of the country, where seasonal rainfall means that many streams and rivers do not flow year round. One example of this is an arroyo in the American Southwest, a stream that flows only during and after rains, not permanently, because the region receives so little precipitation. Including these seasonal streams under the WOTUS rule is essential, as mining activities in these areas have a major effect on the quality of water downstream.

Yet mining groups have been quietly advocating for a new WOTUS rule. While [farm groups](#) opposing WOTUS have received most of the media attention, lobbying records indicate that since 2017, the [National Mining Association alone](#) has spent \$3.5 million on lobbying activities related to the new WOTUS rule. Several coal and hard-rock mining companies [also list](#) millions of dollars in WOTUS advocacy in their lobbying reports. Given the unequivocal link between mining and water contamination, these groups have a clear incentive to advocate for the narrowest definition of “waters of the United States.”

Trump’s 2019 [“Economic Report of the President”](#) confirms that the proposed WOTUS rule is intended as a handout to the mining industry, calling it one of “the most economically significant deregulatory actions for energy” currently underway. This aligns with the Trump administration’s

stated priorities to support coal and extractive industries; it also follows ongoing efforts to weaken environmental and public health standards to benefit these interests by weakening EPA rules on mercury pollution and supporting the successful nullification of the Department of the Interior's Stream Protection Rule under the Congressional Review Act.

The new rule leaves states holding the bag

Instead of empowering states, the proposed rule appears to be an end run to gut environmental protections at all levels of government.

By removing federal oversight of clean water in many areas, the proposed rule punts a significant amount of responsibility to individual states, many of which are under-resourced and legally unprepared to take on permitting and enforcement. In fact, fewer than half of states have their own permitting programs for protecting wetlands, with many of the remaining states relying on federal standards or joint programs with the Army Corps of Engineers for monitoring and enforcement. Even where these programs exist, it is not guaranteed that states will have the staff capacity to ensure that similar levels of protection are maintained. A 2015 survey by the Association of State Wetland Managers finds that only 10 states have more than 20 staff members devoted to wetlands-related regulatory or monitoring work.

States' lack of staff and funding to regulate water quality, combined with the Trump administration walking away from its responsibilities, means that it simply won't get done—and that communities will be left vulnerable to water pollution. The Trump administration's redefinition of WOTUS is part of a broader effort to eliminate large portions of the EPA's historical responsibilities, ostensibly handing them off to state and local agencies. However, the administration's talking points run counter to the decadeslong history of federal-state cooperation that has improved water quality across the country.

The new rule hamstringing private investment in conservation innovation

The rollback of federal protections also threatens to undercut some of the most successful examples of using market-based tools to improve environmental quality. Mitigation—the restoration or improvement of habitats to compensate for the impacts of development—was pioneered under the Clean Water Act to address the effects of infrastructure on wetlands and streams.

The mitigation banking system has boomed in the past decade. It grants private businesses credits for investing in restoration; businesses can then sell these credits to developers who need to compensate for the impacts of development. More effective than requiring developers to oversee

2/3/2021

Debunking the Trump Administration's New Water Rule - Center for American Progress

on-site restoration projects, the mitigation banking industry now dominates the emerging [restoration economy](#)—a sector that employs 126,000 people and generates \$9.5 billion annually. More than [1,800 banks](#) are approved to sell credits for wetland and stream restoration, and the practice has [cut permitting times](#) in half for development projects.

Because the proposed rule cuts 50 percent of wetlands and nearly 20 percent of stream and river miles from consideration under the Clean Water Act, the mitigation banking industry would face severe uncertainty if the rule were to be finalized. As discussed above, states are unlikely to fill the gap in protections that the proposed rule creates, so the change would effectively eliminate a large portion of the demand for the mitigation credits that fuel the industry. Turning off the tap for private investment in conservation is bad for business. Mitigation banks often invest in conservation easements and restoration projects years before any credits are approved for sale, so the proposed new rule would negate significant investments in bodies of water that are no longer regulated.

Conclusion

Despite the administration's claims, the proposed Waters of the United States rule would not simplify the regulatory process or provide any clarity for farmers. Instead, it appears to be a giveaway to the mining industry that would hamstring efforts to effectively protect the nation's waters from pollution and would place an undue burden on states. The new rule would also stifle the booming restoration economy and limit safeguards for some of the most toxic forms of development. Congress should press the EPA and the U.S. Army Corps of Engineers to ensure that the rule reflects the best science—and it should hold the administration accountable for this blatant attempt to give handouts to favor big polluters at the expense of public health.

Ryan Richards is a senior policy analyst for Public Lands at the Center for American Progress.



© 2021 - Center for American Progress

1/29/2021

Will Keystone XL Pipeline Create Many Construction Jobs? (Op-Ed) | Live Science

LIVE

Subscribe



TRENDING

Coronavirus News

Forum

Life's Little Mysteries

Magazine Deals

Cool Merch

Live Science is supported by its audience. When you purchase through links on our site, we may earn an affiliate commission. [Learn more](#)

EXPERT VOICES 

OP-ED & INSIGHTS

Will Keystone XL Pipeline Create Many Construction Jobs? (Op-Ed)

By Anthony Swift August 07, 2013



1/29/2021

Will Keystone XL Pipeline Create Many Construction Jobs? (Op-Ed) | Live Science

LIVE

Subscribe



(Image: © Job Search Image via Shutterstock)

Anthony Swift is an attorney in the International Program at the Natural Resources Defense Council (NRDC). This piece is adapted from one that first appeared on the NRDC blog [Switchboard](#). Swift contributed this article to LiveScience's [Expert Voices: Op-Ed & Insights](#).

Last week, President Obama commented on the limited job-creation potential from the Keystone XL tar-sands pipeline. The remarks generated a response — from many in the media and Keystone project backers — that obscured the President's point.

Supporters of the Keystone XL pipeline continue to pitch the project as a national jobs creator. [President Obama](#) has countered that in an economy of 150 million people, the Keystone XL tar sands pipeline would be a "blip relative to the need." The President observed that the operation of the Keystone XL would only generate about 50 jobs while its construction would generate about two thousand jobs over a year or two.

The construction of Keystone XL, which would generate 3,950 person-years of work according to the U.S. Department of State, has a job creation potential on par with building a [shopping mall](#) or the [campus renovations](#) the University of Oregon announced last week.

RECOMMENDED VIDEOS FOR YOU...

LIVESCIENCE

Earth Is Spinning Too Quickly - Clocks Aren't Keeping Up

Thanks to a speed-up of Earth's rotation, the length of the astronomical day and the length of the clock day aren't quite matc...

<https://www.livescience.com/38735-putting-keystone-pipeline-job-numbers-in-context.html>

2/1

1/29/2021

Will Keystone XL Pipeline Create Many Construction Jobs? (Op-Ed) | Live Science

LIVE

Subscribe



PLAY SOUND

Moreover, after it's built, Keystone XL will only employ between 35 and 50 people — and some of those positions will be filled in Canada. That's a small fraction of the long-term employment benefits one could expect from a shopping mall.

By pitching the tar sands industry's pet project as a national jobs generator in an economy of 150 million, Keystone XL's Congressional boosters are incurring a huge opportunity cost on behalf of constituents who need jobs, not empty promises from the oil industry.

While the Keystone XL tar-sands pipeline is not a national jobs creator, it would be a significant new source of [climate pollution](#), adding 1.2 billion metric tons of carbon pollution to the atmosphere over its estimated lifespan. For that reason it fails the President's climate test and should be rejected.

The controversy surrounding the President's comments on the construction jobs associated with Keystone XL comes down to the critique presented in an update by Washington Post Fact Checker on July 30. The President said the construction of Keystone XL would "create about two thousand jobs over one to two years," while the Fact Checker believes it would have been more accurate instead to say that the project would employ 3,950 workers for a year.

VOL. revolve.com

Sponsored



Learn more

**EAVES Anastasia Coat in Beige - size L (also in M, S, \$396)**

EAVES Anastasia Coat in Beige - size L (also in M, S, X) EAVES Anastasia Coat in Beige - size L

Whether the construction of Keystone XL will generate 3,950 person-years of work for one year or 1,975 person-years of work for each of two years, the reality is that the President is right — Keystone XL is not the national jobs creator its proponents are making it out to be: The Fortuna Galleria Mall project on Long Island generated about 3,000 construction jobs, according to the New York Times; the University of Oregon's campus renovations are expected to generate about 2,700 construction jobs, and yet have gone largely unobserved by Congress; the Gulf Coast Galleria in D'Iberville, Mississippi is expected to create fifty times more permanent jobs than Keystone XL, according to the Washington Examiner.

Clarifying the confusions around Keystone XL's job estimates

<https://www.livescience.com/38735-putting-keystone-pipeline-job-numbers-in-context.html>

3/1

1/29/2021

Will Keystone XL Pipeline Create Many Construction Jobs? (Op-Ed) | Live Science

LIVE

Subscribe



OF SHORT-TERM CONTRACTS OVER THE COURSE OF A YEAR. BUT WHEN TALKING ABOUT JOBS ON A NATIONAL SCALE, THERE MUST BE A standardized way to discuss work across different industries in a manner that is intuitive to the public.

The aforementioned jobs estimate from the State Department comes from the agency's Draft Supplemental Environmental Impact Statement (DSEIS) for the Keystone XL project, which outlines the number of construction workers per location, with a construction period for each state.

If we look at how many 'work years' the construction of Keystone XL generates (by multiplying the number of workers by the weeks of work and dividing by fifty two for the weeks in a year), the data come together this way:

- **Montana:** 4,000 construction contracts for an average of 19 weeks = 1,462 work-years
- **South Dakota:** 3,500 construction workers for an average of 20 weeks = 1,346 work-years
- **Nebraska:** 2,700 construction workers for an average of 19.5 weeks = 1,013 work-years
- **Kansas:** 200 construction workers for an average of 33.5 weeks = 129 work-years

All together, the total is 3,950 person-years — but of course, this is a necessary equivalency. While Keystone XL will be built over two years, its owners at TransCanada will not hire construction workers for two-year — or even one-year — contracts. In fact, State Department data show 99 percent of construction workers will work on twenty-week contracts: Keystone XL would generate 10,400 part-year contracts to achieve the person-years total.

Adding to the confusion, TransCanada counts a part-year contract as a job. The State Department's definition is as follows, according to its Keystone XL Draft Supplemental Environmental Impact Statement: "A job consists of one position that is filled for one year. A job could consist of two positions filled for a period of six months each, three positions filled for four months each, or any combination that sums to a year of employment."

If permitted, TransCanada plans to build Keystone XL over two years. In this case, you can see where the President was coming from when he said that Keystone XL would generate two thousand jobs for two years — each year the pipeline was under construction, the project would generate 1,975 person-years of work.

In an update to its July 30 post, the Washington Post Fact Checker takes exception to that logic, arguing that you could just as easily say the project's construction would employ 7,800 workers over six months. That's one way to put it. If TransCanada planned to build Keystone XL in six months, that would be the most accurate way to state the situation.

However, TransCanada structured its project to be built over two years and the State Department defined a job as a position filled for one year (or four three-month contracts adding up to a year of employment).

Putting differences in semantics aside, whether one considers Keystone XL as generating 7,800 six-month contracts or 1,975 per-years of work over two years, the reality is this project is not a major national job creator.

Keystone XL isn't going to substantially increase U.S. employment, but it would substantially increase carbon pollution at a time the nation needs to be reducing its emissions. There is a better path forward for our country.

In fact, just last year an organization of over 800 business leaders [announced](#) the creation of 110,000 jobs in [clean energy](#) and clean transportation. Those jobs are helping to revive American manufacturing, cutting energy costs for homeowners and businesses, and scaling up new industries to provide a cleaner, more sustainable future.

That's a job plan upon which to build a legacy.

This article was adapted from the post [Putting Keystone XL tar sands pipeline's jobs numbers in context](#) on the blog [Switchboard](#). The views expressed are those of the author and do not necessarily reflect the views of the publisher. This article was originally published on [Live Science](#).

MORE ABOUT...

LATEST

<https://www.livescience.com/38735-putting-keystone-pipeline-job-numbers-in-context.html>

4/1*

[EXPERT BLOG](#) › [ANTHONY SWIFT](#)

The Keystone XL Tar Sands Pipeline Is Still a Bad Idea

January 23, 2017

[Anthony Swift](#)



We use cookies to personalise content and ads, to provide social media features and to analyse our traffic. We also share information about your use of our site with our social media, advertising and analytics partners.

[Privacy and Cookie Policy](#)

☒ Accept Cookies

1/29/2021

The Keystone XL Tar Sands Pipeline Is Still a Bad Idea | NRDC

President Trump's [advisors have signaled](#) that he is considering signing an Executive Order that will exempt the Keystone XL tar sands pipeline and projects like it from having to show that they are in the national interest of the United States. Keystone XL was a pipeline that would have transported 830,000 barrel per day of carbon intensive tar sands from Alberta through the breadbasket of the United States breadbasket to the Gulf Coast where it could be refined and exported internationally. President Obama rejected the pipeline's permit after finding the project's significant risks outweighed its very limited benefits. The risk of Keystone XL to our waters, land and climate far outweighs the relatively few jobs that it will create. Rather than focusing on a project that will only generate thirty five jobs after it's been built, the President and Congress should focus on real job creating opportunities, like efforts to make repairing our homes and businesses more energy efficient and expanding our clean energy economy. This is simply doing the bidding of the fossil fuel industry and is not a national jobs creation program.

Trump's plan to eliminate the cross border permitting process established by Executive Order 13337, which has been used by both Republican and Democratic administrations for decades, would cede control of our borders to multinational corporations. Why is it important that decision makers have a process to ensure that cross-border projects are in the nation's interest based on the best information available, rather than relying on industry interests and their talking points? The Keystone XL tar sands pipeline's national interest determination process provides an answer.

Total Jobs: 35

Contrary to industry claims that the project would be a jobs creator of national importance, the company that sought to build the Keystone XL—TransCanada—told the U.S. State Department the pipeline would only create 35 jobs after it is built. [\(Final\)](#)

We use cookies to personalise content and ads, to provide social media features and to analyse our traffic. We also share information about your use of our site with our social media, advertising and analytics partners. [Privacy and Cookie Policy](#)

1/29/2021

The Keystone XL Tar Sands Pipeline Is Still a Bad Idea | NRDC

[over two years](#)—this is on par with [building a medium sized shopping mall](#), not a national jobs program. Meanwhile, the [Department of Energy reports](#) that in the last year the economy has created 230,000 new clean energy and efficiency jobs, accounting for 10% of the nation's job growth.

Threatening the American Breadbasket . . .

The real jobs on the line here are those supported by the ranches and farms—110,000 of them—that produced \$41.6 billion worth of food in 2012 in the three states where the tar sands pipeline construction would be focused—[Montana](#), [South Dakota](#) and [Nebraska](#).

. . . and the Waterways it depends on . . .

In those three states, the pipeline would cross 1,073 rivers, lakes and streams—from the Yellowstone River in Montana to the Platte River in Nebraska—along with tens of thousands of acres of wetlands, including those in the famed Prairie Pothole Region that makes up 10 percent of the waterfowl breeding habitat in the Continental United States. It would run within a mile of more than 3,000 wells that provide drinking and irrigation water in those states.

. . . with tar sands spills.

In a report released last year, [the National Academy of Sciences found](#) that tar sands spills pose new and greater risks to waterbodies than historically transported oil—risks that our regulations and spill responders do not have the techniques to address. Much of Michigan's Kalamazoo River is still suffering from a tar sands pipeline blowout that contaminated 38 miles of water in 2011 in what has become the most expensive onshore pipeline spill in U.S. history, with over a billion dollars spent on cleanup. More

We use cookies to personalise content and ads, to provide social media features and to analyse our traffic. We also share information about your use of our site with our social media, advertising and analytics partners.
[Privacy and Cookie Policy](#)

☒ Accept Cookies

1/29/2021

The Keystone XL Tar Sands Pipeline Is Still a Bad Idea | NRDC

[Pipeline and Hazardous Materials Safety Administration](#). And they spilled a cumulative 37.5 million gallons of oil and other hazardous liquids, 23 million gallons of which were never recovered.

Keystone XL is not going to take tar sands off the rails—tar sands isn't on the rails

The choice between a tar sands pipeline and unregulated crude by rail [has always been a false one](#). Despite what many of Keystone XL's proponents have claimed, tar sands is not a significant part of the crude by rail boom—it's difficult and expensive to move thick, heavy tar sands by rail and the companies that first tried to make it work [are either struggling or bankrupt](#). And Keystone XL's rejection didn't cause more crude to go on the rails—in fact, according to the [Energy Information Administration](#), the relatively small shipments of Canadian crude by rail to the Gulf Coast have declined since Keystone XL was rejected. Even the tar sands industry tacitly admits that rail is not a viable expansion plan – which is why it companies [cancelled expansion projects](#) and some even [pulled out of the tar sands](#) after Keystone XL's rejection rather than shift wholesale to rail.

Keystone XL is a pipeline through the United States, not to it

The Keystone XL pipeline was supported by refineries in the [Gulf Coast that export](#) the majority of their product internationally. This was the case in 2015 when the Gulf Coast exported about 3 million barrels of crude oil and refined products—and U.S. exports have only increased since then. In a world where the United States regularly [exports over 5 million barrels of crude oil and refined products](#) from its coastal refineries, it time to stop pretending that those same refineries need Canadian tar sands from Keystone XL to provide for U.S. consumers.

We use cookies to personalise content and ads, to provide social media features and to analyse our traffic. We also share information about your use of our site with our social media, advertising and analytics partners.
[Privacy and Cookie Policy](#)

☒ Accept Cookies

1/29/2021

The Keystone XL Tar Sands Pipeline Is Still a Bad Idea | NRDC

The damage from tar sands is global. Because producing tar sands consumes so much energy, it also generates vast tons of the dangerous carbon pollution that is driving climate change. As [a recent report by Oil Change International](#) shows, emissions from planned tar sands expansion would exhaust 16% of the world's total carbon budget for staying below 1.5°C. The State Department found that the emissions associated with the production, refining and combustion of the tar sands in Keystone XL would result 147 to 168 million metric tons (MMT) of carbon dioxide per year (equivalent to the emissions from as many of 35.5 million cars). Simply displacing conventional crude with dirtier tar sands, the project would result in up to 27.4 MMT CO₂e of additional emissions.

And it is clear that Keystone XL would enable additional tar sands expansion, as Canada's pipeline system has sufficient capacity for existing production and projects that are already in construction. Tar sands projects are some of the most expensive, longest lived oil projects on the planet—building more will lock in high carbon production for decades to come at a time when the world needs to be transitioning away from high carbon fuel sources.

Obstacles remain for Keystone XL

While a decision to eliminate the National Determination process would clear an obstacle for Keystone XL, it will not clear the way for the pipeline. We will join with our Native American allies, landowners, ranchers and the broader public to fight this project, which would put our waters, lands and climate at risk, supporting the strong opposition along Keystone XL's path—including in Nebraska where the project's route was never approved.

We use cookies to personalise content and ads, to provide social media features and to analyse our traffic. We also share information about your use of our site with our social media, advertising and analytics partners.
[Privacy and Cookie Policy](#)

☒ Accept Cookies

1/29/2021

The Keystone XL Tar Sands Pipeline Is Still a Bad Idea | NRDC

**ANTHONY SWIFT**

Director, Canada Project, International Program

[Want to join the fight? We're hiring.](#)**SUPPORT OUR WORK**

| | |
|--------------------------------------|---------------------------------------|
| <input type="button" value="\$35"/> | <input type="button" value="DONATE"/> |
| <input type="button" value="\$50"/> | |
| <input type="button" value="\$75"/> | |
| <input type="button" value="\$100"/> | |
| <input type="button" value="\$200"/> | |
| <input type="text"/> | |

We use cookies to personalise content and ads, to provide social media features and to analyse our traffic. We also share information about your use of our site with our social media, advertising and analytics partners.
[Privacy and Cookie Policy](#)

2/3/2021

Toyota, Fiat Chrysler drop support for Trump effort to bar California emissions rules | Reuters

Toyota, Fiat Chrysler drop support for Trump effort to bar California emissions rules

By David Shepardson



WASHINGTON (Reuters) - Toyota Motor Corp, Fiat Chrysler and other major automakers said on Tuesday they were joining General Motors in abandoning support for former President Donald Trump's effort to bar California from setting its own zero emission vehicle rules.

FILE PHOTO: Cars travel north towards Los Angeles on interstate highway 5 in San Diego, California February 10, 2016. Picture taken February 10. REUTERS/Mike Blake

2/3/2021

Toyota, Fiat Chrysler drop support for Trump effort to bar California emissions rules | Reuters

The automakers, which also included Hyundai Motor, Kia Motors, Mitsubishi Motors, Mazda Motor and Subaru Corp, said in a joint statement they were withdrawing from an ongoing legal challenge to California's emission-setting powers, "in a gesture of good faith and to find a constructive path forward" with President Joe Biden.

The automakers, along with the National Automobile Dealers Association, said they were aligned "with the Biden administration's goals to achieve year-over-year improvements in fuel economy standards."

Nissan Motor Co in December withdrew from the challenge after GM's decision in November shocked the industry and won praise from Biden.

On Monday, the Justice Department asked the U.S. Appeals Court for the District of Columbia to put the California emissions litigation on hold to "ensure due respect for the prerogative of the executive branch to reconsider the policy decisions of a prior administration."

Biden has directed agencies to quickly reconsider Trump's 2019 decision to revoke California's authority to set its own auto tailpipe emissions standards and require rising numbers of zero-emission vehicles as well as Trump's national fuel economy rollback.

Separately, the Alliance for Automotive Innovation, another auto industry trade group, on Tuesday proposed to start talks with Biden on revised fuel economy standards that would be higher than Trump-era standards but lower than ones set during the prior Democratic administration.

The group represents all of automakers that were involved in the legal challenge.

The Trump administration in March finalized a rollback of U.S. Corporate Average Fuel Economy standards to require 1.5% annual increases in efficiency through 2026, well below the 5% yearly boosts under the Obama administration rules it discarded.

2/3/2021

Toyota, Fiat Chrysler drop support for Trump effort to bar California emissions rules | Reuters

The auto group, representing GM, Toyota, Volkswagen, Honda Motor Co and others, said a new nationwide emissions framework deal “should achieve improvements in GHG (greenhouse gas) emissions roughly midway between current standards and those of the former Obama administration.”

Ford Motor Co, Honda, VW and BMW in July 2019 struck a voluntary agreement with California on reducing vehicle emissions that was less stringent than rules previously adopted under Obama but higher than Trump’s rollback.

Reporting by David Shepardson; Editing by Kirsten Donovan and Steve Orlofsky

Our Standards: The Thomson Reuters Trust Principles.

MORE FROM REUTERS

1/28/2021

Fact check: Did Biden 'destroy' 11,000 Keystone Pipeline jobs? :: WRAL.com



Would you like to receive breaking news alerts from WRAL.com?

You Might Also Like



Here's how these DC-based nonprofits joined together to help hundreds of families living in the District's Ward 8
Sponsored | Washington City Paper



[Photos] Amanda Gorman Lives In This Modest House With her Family
Sponsored | Hollywood Tale



The New 2021 Nissan Rogue Is Turning Heads
Sponsored | Luxury Auto | Sponsored Listings

Recommended by

Cubic Zirconia 18k Yellow Gold Over Silver Ring 6.32ctw (4.61ctw DEW)
Sponsored | Jewelry Television

POLITIFACTNC

Fact check: Did Biden 'destroy' 11,000 Keystone Pipeline jobs?

Tags: [PolitiFact](#), [Joe Biden](#), [Keystone pipeline](#)

Posted January 25, 2021 3:45 p.m. EST

Updated January 25, 2021 6:09 p.m. EST

1/5

1/28/2021



Listen to this article now

05:19

Powered by Trinity Audio

Fact check: Did Biden 'destroy' 11,000 Keystone Pipeline jobs? :: WRAL.com



Would you like to receive breaking news alerts from WRAL.com?

SUBSCRIBE

NOT NOW

By Daniel Funke, PolitiFact

President Joe Biden spent his first day in the White House signing a spate of executive orders aimed at undoing the policies of the Trump administration. One of them sparked outrage on Facebook over its effect on American jobs.

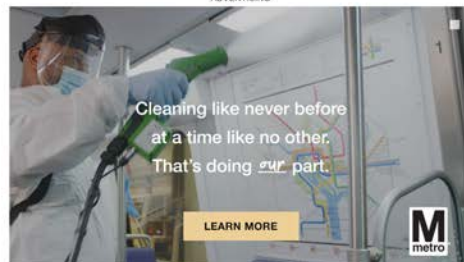
On Jan. 20, Biden signed an order that revoked the permit for the construction of the Keystone XL pipeline. In a Facebook post published the same day, one user said the move would cost thousands of jobs.

"By revoking the Keystone pipeline permit, Biden is destroying 11,000 jobs and roughly \$2 billion in wages," the post says. "Democrats couldn't even get through Day 1 without killing jobs for middle class Americans."

The post was flagged as part of Facebook's efforts to combat false news and misinformation on its News Feed.

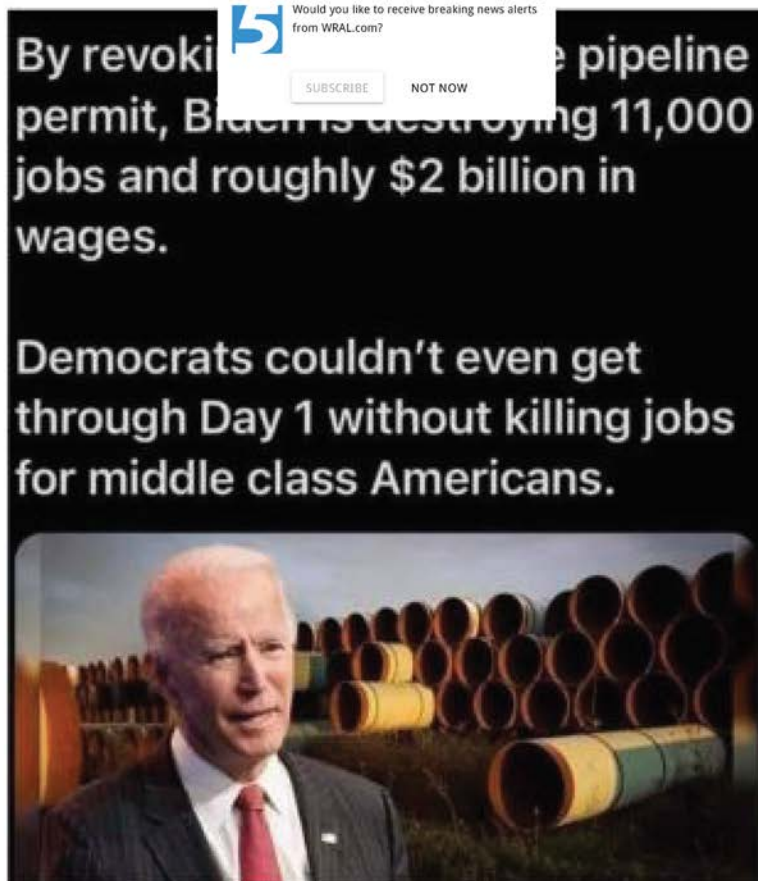
We've seen several similar posts offer other figures for how many jobs were lost as a result of Biden's executive order, ranging from 12,000 to 83,000. So we wanted to take a closer look.

ADVERTISING



1/28/2021

Fact check: Did Biden 'destroy' 11,000 Keystone Pipeline jobs? :: WRAL.com



TC Energy Corp., the Canadian company that owns the Keystone XL pipeline with the Alberta government, has said more than 1,000 people are out of work because of Biden's executive order. The 11,000 and \$2 billion figures cited in the Facebook post are estimates published by the company, but most of the jobs would be temporary.

We reached out to the user who published the post for their evidence, but we didn't hear back.

<https://www.wral.com/fact-check-did-biden-destroy-11-000-keystone-pipeline-jobs/19490510/>

3/E

1/28/2021

Fact check: Did Biden 'destroy' 11,000 Keystone Pipeline jobs? :: WRAL.com

What Biden's order



Would you like to receive breaking news alerts from WRAL.com?

SUBSCRIBE

NOT NOW

The Keystone XL pipeline is .
U.S. government, it's effective

Without support from the

The 875-mile pipeline would carry a heavy crude oil mixture from Western Canada to Steele City, Neb., where it would connect with another leg stretching to Gulf Coast refineries.

Biden's order revokes the permit that was granted March 29, 2019, by then-President Donald Trump on the grounds that it is harmful to the environment.

While an [11-volume State Department report on the Keystone XL pipeline](#) found in 2014 that it would not significantly contribute to carbon pollution, critics say the project threatens Alberta's rivers and forests. And the project has become a symbol for the political debate over fossil fuels.

The Obama-era State Department had denied TC Energy's request for a permit in 2015. Trump revived hopes for the project once he took office, ultimately approving it with an executive order. Construction began in April 2020, but that same month, a federal court said that the project had to go through a full endangered species review. TC Energy appealed the ruling, but the Supreme Court upheld it in July.

Before Biden signed his executive order, only a 1.2-mile section of the pipeline had been completed in Montana near the U.S.-Canada border.

'Thousands' of lost jobs, but most are temporary

Over the past several years, we've [fact-checked many claims](#) that the Keystone XL pipeline would create thousands of American jobs. Several of them lack context about the duration and nature of these positions, and this Facebook post is similar.

In a Jan. 20 statement, TC Energy said Biden's order "would directly lead to the layoff of thousands of union workers." It did not specify exactly how many jobs would be lost.

President Richard Prior [told the Associated Press](#) that the layoffs would number more than 1,000. We reached out to TC Energy for more information, but we haven't heard back.

1/28/2021

WRAL par
political s

Fact check: Did Biden 'destroy' 11,000 Keystone Pipeline jobs? :: WRAL.com

Would you like to receive breaking news alerts
from WRAL.com?

SUBSCRIBE

NOT NOW

act check

The 11,000 figure in the Facebook post appears to stem from an Oct. 28 [press release on the pipeline's website](#).

In October, TC Energy awarded contracts to six American union contractors to build the Keystone XL pipeline in three states in 2021. Those contractors were "responsible for hiring 7,000 union workers."

"When combined with additional 2021 contracts to be announced later, the total number of American union workers constructing Keystone XL in 2021 will exceed 8,000 and \$900 million in gross wages," the release said. "In total, Keystone XL is expected to employ more than 11,000 Americans in 2021, creating more than \$1.6 billion in gross wages."

That's close to what the [State Department found in its 2014 report](#).



Our ethics policy for PolitiFact journalists

In the report, the agency wrote that 10,400 estimated positions would be for seasonal construction work lasting four to eight-month periods. Since the State Department defines "job" as "one position that is filled for 1 year," that would equate to approximately 3,900 jobs over a two-year period.

In short: Most of the estimated jobs were temporary.

The State Department forecasted that no more than 50 jobs, some of which could be located in Canada, would be required to maintain the pipeline. Thirty-five of them would be permanent, while 15 would be temporary contractors.

We reached out to the White House for a comment, but we haven't heard back.

PolitiFact ruling

<https://www.wral.com/fact-check-did-biden-destroy-11-000-keystone-pipeline-jobs/19490510/>

5/8

1/28/2021

Fact check: Did Biden 'destroy' 11,000 Keystone Pipeline jobs? :: WRAL.com

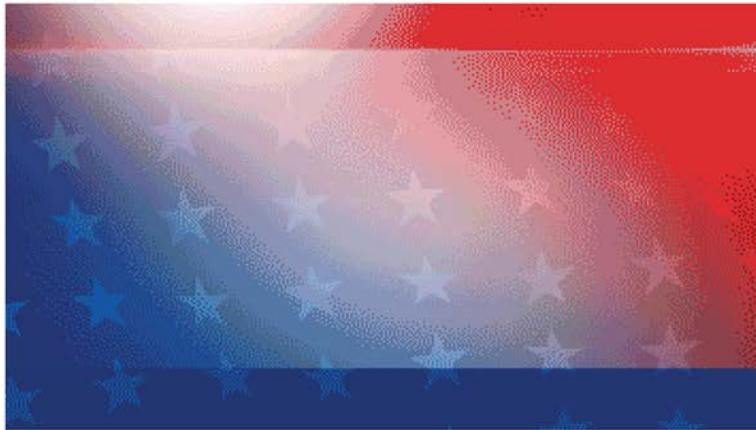
A Facebook post says that Biden destroyed 11,000 jobs."



Would you like to receive breaking news alerts from WRAL.com?

Keystone XL pipeline "is destroying

That number is an estimate, and the majority of Keystone jobs.



TC Energy said more than 1,000 people are out of work because of Biden's executive order. In October, the company said it expected to employ more than 11,000 Americans in 2021 and generate more than \$1.6 in gross wages.

But both TC Energy and the State Department have said the majority of those jobs would be temporary. A 2014 report found that the company would need only 50 employees to maintain the Keystone XL pipeline once it's finished, 35 of them permanent.

Temporary jobs are still jobs. But this post could leave the wrong impression without full context. We rate it Half True.

RECOMMENDED

<https://www.wral.com/fact-check-did-biden-destroy-11-000-keystone-pipeline-jobs/19490510/>

6/8

We congratulate Secretary Regan on his nomination to head the Environmental Protection Agency. Our experience with Mr. Regan was that he was a leader of high integrity, who worked to bring stakeholders together to advance environmental protections. We look forward to working with Mr. Regan and the Biden Administration to advance our climate strategy, which seeks to achieve net-zero carbon emissions, as well as other important environmental initiatives.

Today, we are deploying significant amounts of renewables—investments which have already proven beneficial and have propelled North Carolina to be one of the top two states for solar in the country. These efforts have only further boosted our already sizable carbon-free energy portfolio, anchored by our nuclear fleet that plays a significant role in maintaining affordability and reliability for millions of customers. But we are also looking beyond our own facilities to support deep cuts in emissions in our supply chain—from electrifying our roads to responsibly sourcing natural gas supplies—and to be the leaders our customers expect us to be.

While the communities we serve are seeing the benefits of our transition already, we understand there are many opportunities left to further this good progress. We stand ready to deliver on our commitments, working with Secretary Regan and the Biden Administration in delivering a reimagined energy future for the millions of Americans we are proud to serve.---**Julie Janson, Executive Vice President, External Affairs and President, Carolinas Region**



The Chemours Company
1007 Market Street
Wilmington, DE 19801

February 2, 2021

Dear Chairman Carper and Ranking Member Capito:

The Chemours Company (Chemours) wishes to express our support for the nomination of Michael Regan to serve as Administrator of the U.S. Environmental Protection Agency (EPA).

At Chemours, our purpose is to create a more colorful, capable, and cleaner world through the power of chemistry. Globally, Chemours is a leading provider of performance chemicals that are key inputs in end products and processes serving a variety of industries. We deliver customized solutions with a wide range of industrial and specialty chemicals products for diverse markets, such as traditional and renewable energy, semiconductor, electronics, and telecommunications, construction and infrastructure, heating and cooling, healthcare, industrial and manufacturing, minerals and metals mining and more.

Chemours understands that the world expects more than essential chemistries; indeed, expectations are that these chemistries should result from sustainable innovation and responsible manufacturing delivered by a diverse and vibrant workforce. To meet these societal expectations, in 2018 Chemours launched a formal program to establish publicly accountable Corporate Responsibility Commitments (CRCs) with ten ambitious goals, aligned with the United Nations Sustainable Development Goals, which we aim to accomplish by 2030. The CRCs position Chemours as a leader for the planet (e.g., reducing air and water process emissions of fluorinated organic chemicals by 99 percent or more and reducing greenhouse gas emissions intensity by 60 percent); people (e.g., filling all positions globally with women and achieving 20 percent diversity in our U.S. workforce) and our product portfolio (e.g., generating 50 percent of our revenue from solutions that contribute to the 2030 United Nations Sustainable Development Goals).

While the CRCs are voluntary initiatives intended to help make Chemours a stronger and more responsible company, we also are keenly interested in collaborating with other stakeholders who are committed to solutions rooted in rational and science-based public policies that help bring about a cleaner, safer and healthier world. Key among those external stakeholders are government agencies both here in the United States and abroad.

Upon taking the helm at EPA, Mr. Regan will have the opportunity to lead on numerous issues pending before the agency. Crucial among these will be rulemaking for the recently-passed AIM Act, which phases out HFCs, a powerful greenhouse gas in favor of new refrigerant technologies that have demonstrated a remarkable reduction in global warming potential; supporting policies that advance the development of the emerging hydrogen and 5G economies; and using the authority and tools already available to him at EPA to create federal-level clarity and certainty on matters related to clean air and water.

February 2, 2021
Chairman Carper and Ranking Member Capito
Page 2 of 2

Chemours believes Mr. Regan's experience as a state environmental regulator in North Carolina positions him well to serve as the nation's top environmental regulator. And, upon his confirmation, Chemours stands ready to work with Mr. Regan and his staff at EPA to explore and advance areas of cooperation to deliver progress toward both a cleaner environment and a robust U.S. economy.

Regards,

A handwritten signature in black ink, appearing to read "Mark P. Vergnano", with a stylized flourish at the end.

Mark P. Vergnano
President and Chief Executive Officer

+1 302 773-2210 **Office**
+1 302 773-1097 **Executive Assistant – Lori Mckay**



Edison Electric
INSTITUTE

Thomas R. Kuhn
President

February 2, 2021

The Honorable Thomas R. Carper
Chairman, Committee on Environment & Public Works
United States Senate
Washington, D.C. 20510

The Honorable Shelley Moore-Capito
Ranking Member, Committee on Environment & Public Works
United States Senate
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Moore-Capito:

The Edison Electric Institute (EEI) and our member companies—America's investor-owned electric companies—support the nomination of the Honorable Michael S. Regan to be the next Administrator of the U.S. Environmental Protection Agency (EPA).

Secretary Regan has a tremendous amount of experience in leading a team dedicated to protecting public health and the environment. He also has a strong commitment to public service as demonstrated by his time at the helm of the North Carolina Department of Environmental Quality.

EEI's member companies are leaders on clean energy, and carbon emissions from the U.S. power sector are at their lowest level in more than 30 years and continue to fall. We are committed to getting the energy we provide as clean as we can as fast as we can, without compromising on the reliability and the affordability that our customers value. Upon his confirmation, we look forward to working with Secretary Regan on clean energy, climate, and environmental justice and just transition issues.

It is important to us that we lead on clean energy in a way that gives us all the options, including making sure that we maintain existing nuclear and that we are still able to use natural gas to help achieve our clean energy targets. Wind, solar, and energy storage can get us much of the way to a carbon-free future. Using an energy mix that includes nuclear and natural gas will help us get there faster and more reliably.

EEI and our member companies also are committed to working with Administrator Regan and other leaders across the Biden Administration to build the critical energy grid infrastructure we need to deliver affordable, resilient, and reliable clean energy to our customers.

With the right policies and the right technologies, a 100 percent clean energy future can be more than a goal. It can be a reality for all Americans. Confirming Secretary Regan to serve as EPA Administrator is an important step forward, and we encourage you to act without delay.

Sincerely,

Thomas R. Kuhn

202-508-5555 | tkuhn@eei.org

701 Pennsylvania Avenue, NW | Washington, DC 20004-2696 | www.eei.org



NATIONAL CATTLEMEN'S BEEF ASSOCIATION
CENTER FOR PUBLIC POLICY

January 26, 2021

The Honorable Thomas R. Carper
Chair
Committee on Environment & Public Works
United States Senate
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Shelley M. Capito
Ranking Member
Committee on Environment & Public Works
United States Senate
410 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito:

On behalf of cattle producers across the United States, the National Cattlemen's Beef Association (NCBA), and undersigned state affiliate organizations, write to express our support for the nomination of Michael Regan to lead the Environmental Protection Agency (EPA).

Mr. Regan's previous experience with both EPA and North Carolina's Department of Environmental Quality will be exceedingly valuable as he seeks to foster productive relationships in his role as EPA Administrator. Many environmental statutes, including the Clean Water Act, were intended for implementation through cooperative federalism – a partnership between state and federal regulators. Respecting this model is necessary to ensure that environmental statutes are effectively implemented.

America's farmers and ranchers rely on clean air and water for the health of their livestock, families, and communities. Their careful management and stewardship of natural resources is key to healthy ecosystems nationwide that provide for clean air and water for years to come. These operations take intentional steps to ensure their businesses are successful while also achieving environmental objectives. Like other businesses, farms and ranches cannot be successful without clear guidelines and consistent regulatory expectations. Clear rules are key to ensuring that farmers across the country can continue producing the world's safest food supply and continue to be environmental champions. Farmers and ranchers appreciate the effort in recent years to increase regulatory clarity and government transparency. America's cattle producers desire to continue building upon the agency's legacy of collaboration with agricultural producers with Mr. Regan at the helm of EPA. The National Cattlemen's Beef Association stands ready to engage with Mr. Regan on environmental issues important to the beef cattle industry.

NCBA and the undersigned organizations appreciate the opportunity to provide input on behalf of our nation's cattle producers and look forward to working with you moving into the confirmation process.

Sincerely,

National Cattlemen's Beef Association
California Cattlemen's Association
Colorado Cattlemen's Association
Colorado Livestock Association
Florida Cattlemen's Association
Hawaii Cattlemen's Council, Inc.
Indiana Beef Cattle Association
Iowa Cattlemen's Association
Kansas Livestock Association
Louisiana Cattlemen's Association
Michigan Cattlemen's Association
Minnesota State Cattlemen's Association

Montana Stockgrowers Association
Nebraska Cattlemen
North Dakota Stockmen's Association
Oklahoma Cattlemen's Association
Oregon Cattlemen's Association
Pennsylvania Cattlemen's Association
South Carolina Cattlemen's Association
South Dakota Cattlemen's Association
Tennessee Cattlemen's Association
Texas Cattle Feeders Association
Virginia Cattlemen's Association
Washington Cattle Feeders Association

1275 Pennsylvania Ave NW Suite 801
Washington, D.C. 20004



policy.ncba.org



202.347.0228





February 2, 2021

The Honorable Tom Carper
Chairman
Senate Environment and Public Works
410 Dirksen Senate Building
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member
Senate Environment and Public Works
456 Dirksen Senate Building
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito,

On behalf of Outdoor Industry Association (OIA), I am writing to express our support for the confirmation of Michael Regan as Administrator of the Environmental Protection Agency (EPA). Mr. Regan is a steward of our environment and a dedicated public servant, and I look forward to working with him to help the outdoors thrive.

OIA is the trade association for 1,200 companies across the United States, including suppliers, manufacturers and retailers of outdoor products. The \$778 billion outdoor recreation economy accounts for 2.1 percent of GDP and 5.2 million jobs in the U.S. Our members produce some of the most innovative products that reach all corners of the globe, enriching people's lives by supporting healthy and active lifestyles.

The success of our industry depends on healthy and accessible outdoor spaces. Outdoor companies and consumers feel the negative ripple effects when the outdoors are inaccessible or polluted, and they thrive when Americans can get outside and enjoy the natural wonders that our country has to offer. The EPA is an important part of protecting outdoor spaces and ensuring Americans have access to clean air and water every time they step outside and engage in outdoor recreation.

As North Carolina's top environmental official, Mr. Regan worked tirelessly to protect the environment, working across the aisle to prioritize addressing climate change and to ensure access to clean air and water. His record demonstrates his dedication to the environment and his ability to strike the important balance between environmental protection and access to the outdoor spaces that are important for recreation.

If Mr. Regan is confirmed, OIA looks forward to working with him and the EPA as a partner in protecting the outdoors and utilizing the expansive outdoor industry as an agent of economic recovery. Through climate action and environmental policy that provides for outdoor recreation users, Mr. Regan's leadership can greatly benefit the industry and the country.

Outdoor recreation is a cornerstone of American life. The health of individuals, communities, and our economy is deeply connected to the environment and access to parks, trails, and open spaces.

outdoorindustry.org | P: 303.444.3353 | F: 303.444.3284 | 2580 55th Street, Suite 101 | Boulder, CO, USA 80301

TOGETHER WE ARE A FORCE.™

Thank you for considering OIA's support for Mr. Regan and the important role outdoor recreation plays in our economy.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lise Aangeenbrug', with a stylized, flowing script.

Lise Aangeenbrug
Executive Director
Outdoor Industry Association

January 27, 2021

The Honorable Thomas Carper
Chairman
Committee on Environment & Public Works
United States Senate
Washington, DC 20510

The Honorable Shelly Moore Capito
Ranking Member
Committee on Environment & Public Works
United States Senate
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito:

The undersigned organizations encourage the Committee on Environment and Public Works and the full Senate to swiftly confirm Michael Regan as Administrator of the U.S. Environmental Protection Agency (EPA).

Collectively, our organizations are engaged in the management of pests that are harmful to our nation's public health, infrastructure, natural resources, and green spaces. The products that our members make or use control mosquitoes, ticks, and rodents that carry disease; protect our nation's public utilities, rights-of-way, and infrastructure from invasive weeds; manage overgrowth and vegetation that pose fire hazards; and maintain homes, greenspaces, parks, sports fields, and golf courses. In addition to providing safe places to enjoy, well maintained green spaces filter ground water and sequester carbon dioxide.

During his tenure as Secretary of North Carolina's Department of Environmental Quality, Mr. Regan earned a reputation for making decisions guided by science that take into account input from all impacted stakeholders. He worked to craft practical, sound solutions to a host of environmental issues in the state. These qualities will serve him well as head of the Agency.

The prompt confirmation of Mr. Regan will allow EPA to continue its vital mission of protecting the public health and environment without interruption. Under his leadership, we are hopeful that the regulatory decisions made by the Agency will be transparent, grounded in science, and protective of the public health and environment. Mr. Regan has the requisite background and issue knowledge to lead EPA. We respectfully encourage the Committee and the full Senate to swiftly confirm him.

Sincerely,

AmericanHort
American Mosquito Control Association
Aquatic Ecosystem Restoration Foundation
CPDA – Council of Producers and Distributors of Agrotechnology
Golf Course Superintendents Association of America
National Association of Landscape Professionals
National Pest Management Association
RISE (Responsible Industry for a Sound Environment)
Tree Care Industry Association



February 1, 2021

The Honorable Thomas R. Carper
Chairman, Committee on Environment & Public Works
United States Senate
Washington, D.C. 20510

The Honorable Shelly Moore-Capito
Ranking Member, Committee on Environment & Public Works
United States Senate
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Moore-Capito:

As the leading association representing America's renewable fuels industry, we wish to express our support for the nomination of Michael Regan to serve as Administrator of the Environmental Protection Agency.

As you know, the U.S. renewable fuels industry plays a critical role in lowering tailpipe emissions and shrinking the carbon footprint of transportation fuels, while also contributing greatly to the nation's economy. Ethanol and other renewable fuels are the right fuels right now; expanding their use - as required under the Renewable Fuel Standard - will immediately cut greenhouse gas emissions and reduce the toxic urban air pollution that disproportionately impacts low-income and economically disadvantaged communities.

The U.S. ethanol industry has experienced numerous difficulties over the last four years, with many of the most pressing challenges emanating from the Environmental Protection Agency's mismanagement of the RFS. As Secretary of the North Carolina Department of Environmental Quality, Administrator Designee Regan built a strong track record of listening to all stakeholders to find practical, science-based solutions to environmental issues impacting the people of the state. We welcome a similar approach to problem-solving as he takes the helm at EPA, and we appreciate the outreach he has already conducted to renewable fuel stakeholders. We are also confident Mr. Regan will strongly uphold President Biden's commitment to "...honor the critical role the renewable fuel industry plays in supporting the rural economy and the leadership role American agriculture will play in our fight against climate change."¹

We look forward to working with Administrator-designee Regan to resolve the numerous biofuels-related issues that were mishandled and left unresolved by the previous administration. Working together, the renewable fuels industry is eager to do our part to better protect our country's environment.

Sincerely,

RENEWABLE FUELS ASSOCIATION

Geoff Cooper
President & CEO

¹ <http://biomassmagazine.com/articles/17318/biden-announces-commitment-to-rfs>



January 29, 2021

The Honorable Thomas R. Carper
Chairman, Committee on Environment &
Public Works
United States Senate
Washington, D.C. 20510

The Honorable Shelly Moore Capito
Ranking Member, Committee on
Environment & Public Works
United States Senate
Washington, D.C.
20510

Dear Chairman Carper and Ranking Member Moore-Capito:

The Rural Community Assistance Partnership (RCAP) wishes to extend our support for the nomination of Michael Regan to serve as Administrator of the U.S. Environmental Protection Agency.

RCAP works with communities and partners across the country to advocate for and generate economic opportunities and infrastructure investment for rural areas and to ensure that every community has the resources needed to thrive. The services provided through RCAP deliver critical assistance in the small and disadvantaged communities where it is needed most.

As Secretary of the North Carolina Department of Environmental Quality, Michael Regan has an established record of listening to all stakeholders, including rural and disadvantaged communities. During his tenure, he has worked to find practical solutions on countless environmental issues in the state, while ensuring science and data guided his decisions. He also understood the impact those decisions would have on rural communities and the people that live and work there.

We believe the same qualities that Secretary Regan has exhibited in his current position will be carried over to his leadership at EPA. We look forward to working with him on the numerous environmental and water issues facing our nation. RCAP fully supports his nomination as the next Administrator of the Environmental Protection Agency.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nathan Ohle', is positioned above the printed name and title.

Nathan Ohle
Chief Executive Officer, RCAP



February 5, 2021

The Honorable Thomas R. Carper
Chairman
Environment and Public Works Committee
United States Senate
513 Hart Senate Office Building
Washington D.C., 20510

The Honorable Shelley Moore Capito
Ranking Member
Environment and Public Works Committee
United States Senate
172 Russell Senate Office
Building
Washington D.C., 20510

RE: Support for confirmation of Michael Regan as Administrator of Environmental Protection Agency.

Dear Chairman Carper and Senator Capito,

The Alaska Salmon Habitat Information Program (SHIP) is an effort led by Alaska commercial fishermen to track and engage on issues of importance to Alaska's fishermen, fishing families, and fishing communities. We advocate for Alaska's independent, directed fishermen on issues that pertain to the sustainability of our fisheries and the perpetuation of fishing access for future generations.

Few federal agencies will have more impact on the vitality of Alaska's fisheries in the coming years than the Environmental Protection Agency (EPA). Major issues related to the Pebble Mine, climate change, ocean acidification and countless other threats to our livelihoods should be addressed by the incoming Administration.

As Alaska commercial fishermen, our industry is already being heavily affected by a rapidly changing climate. The changes we are experiencing include, but are not limited to, persistent, unusually high water temperatures in the Gulf of Alaska in 2018 and 2019; drought in the Tongass National Forest (typically one of the rainiest places on earth) during that same time frame; unusually high water temps in spawning grounds in Western Alaska; and rapid transition from glacial and meltwater runoff to less stable, rain-fed hydrology. These climatic events have directly impacted salmon fisheries via large-scale prespawn die-offs of mature adult salmon, changes in prey availability at different life stages, shifts in predator populations and ranges, water temperatures that exceed survivable limits, large scale scouring of spawning beds due to flooding associated with heavy rainfall events in the fall, and the loss of spawning and rearing habitat due to absence of water during drought and periods of abnormally high temperatures in summer months.

Alaska fishermen work hard to build and grow our businesses, have tremendous economic input into our communities, and provide our country with healthy, sustainable sources of high-quality

February 5, 2021

p.2

protein. It is critical to Alaska's Fishermen that our nation enact policies that will reduce carbon emissions. Simultaneously, we need mitigation strategies that help our fisheries adapt to the changes already taking place, and policies that protect the clean water and habitat that our most valuable fisheries rely upon.

As fishermen we know first hand the importance of managing our resources responsibly and sustainably. Our next EPA administrator will be making decisions that impact Alaska fishermen on every issue ranging from Pebble to Climate Change, and we need an Administrator that understands and intends to address the threats beyond our control. Michael Regan has indicated that his EPA would address climate change with a sense of urgency and that he fully understands that preservation of our natural resources is essential to economic growth. He is well qualified and should be confirmed for this position. Please stand up for us by confirming Michael Regan as the next Administrator of the EPA.

Sincerely,

Sommers Cole
Program Manager, [SHIP](#)
F/V Energizer
Juneau, AK

CC: Members of the Senate Environment and Public Works Committee



125 Rowell Court
Falls Church, VA 22046
RECYCLINGPARTNERSHIP.ORG

February 3, 2021

The Honorable Thomas R. Carper
Chairman
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito,

As one of the leading national non-profits that works with stakeholders and communities across the nation to strengthen the U.S. recycling system, The Recycling Partnership writes today to support the confirmation of Michael Regan as the 16th confirmed Administrator of the Environmental Protection Agency (EPA).

We have seen firsthand the leadership role Mr. Regan has taken in his State of North Carolina to ensure communities and other stakeholders have the appropriate tools necessary to promote recycling. He has taken steps to protect funding for North Carolina's state recycling division and support a statewide education campaign. In short, Mr. Regan understands how critical recycling is to the broader effort to protect the environment and support economic growth.

Now is the time that we need bold leadership at the national level to ensure communities throughout the nation have the resources to improve the quality and quantity of materials recycled. Local governments aren't in this alone. The recycling system is a loosely connected and highly interdependent system of collectors, processors and manufacturers. The ultimate fate of recyclable materials rests in the hands of a broad set of stakeholders who must all do something new and different to support a transition to a circular economy.

We believe, given his background in supporting recycling and his commitment to working with a range of stakeholders, Mr. Regan can bring the knowledge and experience from the state level to build a broad national approach to our circular economy. We look forward to working with him on many important recycling issues and fully support his nomination to be the next Administrator of the EPA.

Sincerely,

Dylan de Thomas
VP of External Affairs
The Recycling Partnership

The Honorable Tom Carper
Chairman
Committee on Environment & Public Works
United States Senate
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment & Public Works
United States Senate
456 Dirksen Senate Office Building
Washington, D.C. 20510

February 3, 2021

Dear Chairman Carper and Ranking Member Capito,

As the Committee on Environment & Public Works considers the nomination of Michael Regan to be the next Administrator of the Environmental Protection Agency, the Theodore Roosevelt Conservation Partnership offers our support for Mr. Regan's expeditious confirmation by the United States Senate.

Mr. Regan's tenure as the Secretary of the North Carolina Department of Environmental Quality has shown his ability to address a multitude of issues important to hunters and anglers, including: climate change and water and air quality, while working with coalitions that include farmers, outdoor enthusiasts, clean water advocates, and community leaders. We trust he will continue in that same collaborative spirit in his role as Administrator and look forward to supporting his work.

We appreciate Mr. Regan's leadership in building strong, diverse coalitions to protect and restore the quality of water in landscapes across North Carolina, which we believe will serve him well as he assumes the role of one of the chief stewards of landscapes and waterways across the nation. In particular, we look forward to working with him to ensure the protection of Bristol Bay and its pristine waters that are home to one of the world's most unique and treasured fisheries and to review other similarly-threatened waterways and landscapes. We also look forward to working with Mr. Regan, in partnership with other agencies across the Biden Administration, to propose and advance solutions to our changing climate that improve resiliency and, where possible, restore our lands and waters for future generations of Americans to enjoy.

We are confident that Mr. Regan – a sportsman himself who grew up hunting and fishing in North Carolina's Coastal Plain – has both the perspective and experience necessary to lead the EPA and to address the myriad challenges facing our nation's natural resources. The TRCP and the hunting and angling community looks forward to working closely with Mr. Regan and the rest of the EPA leadership team and we urge your support for his confirmation to be the next Administrator of the Environmental Protection Agency.

Sincerely,



Whit Fosburgh
President & CEO
Theodore Roosevelt Conservation Partnership



State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General

(304) 558-2021
Fax (304) 558-0140

January 27, 2021

President Joseph R. Biden Jr.
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Biden,

One week ago, you assumed the Presidency of the United States of America and took the oath of office. You swore to preserve, protect, and defend the Constitution of the United States. Today, we write to you in our capacity as State Attorneys General regarding areas of vital importance to our States as you execute your job in the days and months ahead.

The Constitution vests the President with the “executive Power” and, among other things, charges the President to nominate officers and “take Care that the Laws be faithfully executed.” In our federal system, State Attorneys General represent our state governments and our citizens, and we are responsible for defending their interests and protecting their rights. State Attorneys General in particular serve as an important check and balance as the President carries out his constitutional charges.

We stand ready to meet with your administration to discuss more how the issues below affect our States; litigation is never a first option, and we would like to help your team in its important job on behalf of all Americans, consistent with the Constitution and the rule of law. Yet if you sign unconstitutional laws passed by Congress, it will be our responsibility and duty to challenge those laws in court. If cabinet officials, executive officers, and agencies go beyond the bounds of their statutory authority, fail to follow legally required procedures, or fall short of the bedrock Administrative Procedure Act obligation of reasoned decisionmaking, it will likewise be our responsibility to take action.

The President cannot cut constitutional corners or shirk statutory strictures without inevitably doing more harm to our country than good. The foundations of our republic and American life are embedded within our Constitution’s carefully crafted design. Accordingly, today by this letter we respectfully urge you when pursuing your policy priorities to honor the core

constitutional tenets which should be appreciated and respected by every person entrusted with the honor and burdens of the presidency.

Limited Federal Power

The Constitution announces in its preamble its purpose to “promote the general Welfare.” However, the provisions of the Constitution carefully adhere to the principle that a large and diverse nation cannot be best governed by any single central administration, no matter how well it is structured. While a national government with ample power and authority in certain areas can make a country strong, united, and prosperous, our Constitution declines to give our national government plenary power. Rather, Article I, Section 8, along with some of the amendments, endows the federal government with a specific and plainly non-exhaustive set of powers. Nothing in the Constitution grants general legislative power to the federal government. Put simply, the federal government has certain jobs to do and the Constitution leaves all of the rest of the business of governance to be addressed by our separate sovereign States, and our citizens.

While the powers of the federal government are expressly limited and circumscribed, there is of course much for the federal government to do without exceeding the bounds of powers set forth in the Constitution. Where a particular matter is excluded from the sphere of federal authority and there is a problem that ought to be addressed, our States are ready and able to do the job. Moreover, if the people of a handful or more of the States desire to take a united approach on a regulatory matter that is outside of the federal government’s legislative power, they can negotiate and enter into legally binding multi-state compacts for that purpose by following the constitutional process for doing so. Accordingly, the limits on federal power are not a flaw of the Constitution, they are a feature of the complex tapestry of our system of government that enables governance that accounts for local differences, allows the American people to benefit from experimentation at the state level, and increases the responsiveness of government as people can “vote with their feet.”

Unfortunately, many people today do not appreciate—and some outright reject or deny—the Constitution’s limits on the power and responsibility of the federal government. As a consequence, there is political pressure for Congress and the President to exceed the bounds of federal power, lest they be judged to be ignoring important issues or failing to address critical problems. While we understand this political reality, it is our duty to insist on adherence to the Constitution and we urge you and your Administration to not propose or publicly support any new federal law outside the bounds of the federal government’s limited power. If the House and the Senate do pass such a law, we urge you to honor the oath you have taken and veto it.

Limited Presidential Power

In addition to dividing powers between state and federal governments, the Constitution further enhances our system of government and protects individual liberty by dividing the powers of the federal government among the three branches.

Under the Constitution, the principal political control of our government is entrusted not to the President, but to the carefully constructed Congress which serves as both sail and anchor of the federal ship of state. Congress writes the laws and the President and his officers are limited under the Constitution to the role of faithfully carrying them out. The Executive Branch is required to act within the strictures laid out by statutes passed by Congress.

When Congress acts it does so with a legitimacy and authority that flows from its design. In order to reach the President's desk, laws must be passed by both the House of Representatives and the Senate. The biennially elected House is designed to timely respond to and reflect changes in the political will of the nation and is apportioned among the States by population so as to represent the majority of the American people. The Senate, meanwhile, has longer terms and staggered elections to provide a stable and undeniably more cautious representation of the interests of the States of the Union.

As you well know from your many decades of experience in Congress, requiring the assent of the House and the Senate for laws to be passed makes it quite difficult to enact significant legislation. Congress cannot and does not act on a whim, nor is it supposed to. The intricate federal legislative process is by design a sturdy and essential bulwark against unripe, unwise, and divisive lawmaking. Accordingly, it is just as important to respect the absence of legislation as its passage. No President has ever had or ever will have the pleasure of seeing each and every one of their legislative suggestions come to fruition. Undoubtedly, you will feel in some instances that a failure of an initiative to pass has been a mistake. On those occasions, your fidelity to the Constitution will be tested. It is likely that no one who has not been entrusted with the presidency could understand the temptation of taking action by executive fiat that follows from the failure or delay of the enactment of legislation that a President genuinely believes is necessary for the benefit of the country. But a President is not a Prime Minister or a King and must respect that his constitutional office is a limited Chief Executive, not the supreme authority of the state. When Congress has spoken, its legislative commands must be heeded. The President is obliged by oath to obey the laws enacted by Congress. Statutory roadblocks and constraints are not mere opportunities for creative lawyering or administrative gamesmanship. Statutory directives are not mere suggestions.

Your Administration like its predecessors will be beset with pleas of dissatisfied political constituencies for executive action in the face of congressional inaction and for executive action contrary to statutory commands. Saying no, when your oath and the Constitution stands in the way of satisfying people who voted for you and groups that support you, may be one of the hardest parts of your job as President, but it is among the most important.

Overreaching and defying Congress will not be rewarded or succeed. Our States have led the charge in successfully challenging unauthorized and unlawful executive actions, as you know from your years as Vice President. You can be assured that we will do so again, if necessary. Whether it be directing a wide swath of federal agencies to exceed their limited statutory mandates to implement the extreme "Green New Deal" agenda that Congress has not enacted, making transformative changes to our healthcare system that were specifically rejected in passing the Affordable Care Act, strong-arming businesses into changing practices to adhere to unreasonable and twisted interpretations of long-extant statutes, having the Department of the Treasury and the Federal Reserve conjure up massive boondoggle spending sprees without congressional authorization and appropriations, usurping the authority of States to protect local streams, or tearing down immigration statutes passed by Congress by executive fiat, we will not hesitate to defend America against illegal executive actions.

Individual Constitutional Rights

The Framers of the Constitution announce in its preamble its ultimate aim to “secure the Blessings of Liberty,” and to that end the Founding Generation guaranteed fundamental freedoms by adopting the Bill of Rights. As States Attorneys General, we are committed to ensuring our people’s liberty and freedoms secured by the Constitution are not infringed.

Rights enshrined in the Constitution are not up for debate. Yet two of those fundamental rights have been under assault in recent years—the right to the free exercise of religion and the right to keep and bear arms. We strenuously urge you to respect these rights as President.

Until recently, the First Amendment guarantee of the right of free exercise of religion was uncontroversial. Indeed, following *Employment Division v. Smith*, 494 U.S. 872 (1990), Congress enacted the Religious Freedom Restoration Act with near universal support in Congress and from groups across the political spectrum, including from you while you served as Chairman of the Senate Judiciary Committee, which was responsible for the bill. The growing and dangerous hostility to the free exercise of religion in recent years, however, is appalling. As President, and as a man of faith, we hope that you will ensure that your Administration steadfastly accommodates and respects the free exercise of religion and complies with both the Constitution and the Religious Freedom Restoration Act.

The Second Amendment guarantee of the right to keep and bear arms is a part of the Constitution that your oath requires you to preserve, protect, and defend. We are dismayed at your stated intentions to impose numerous limits and burdens on ownership of firearms. You can expect strenuous opposition from us against any such efforts. Picking and choosing which liberties deserve protection among the Bill of Rights sets a dangerous precedent.

Administrative Process and Reasoned Decisionmaking

The Constitution bestows the Legislative Power on Congress and the Judicial Power on federal courts. Yet today’s federal government has imbued enormous powers in Executive Branch agencies to promulgate regulations and issue binding legal decisions in adjudications. This cession of quasi-legislative and quasi-judicial power to agencies is critically and necessarily premised on the procedural requirements of the Administrative Procedure Act and other laws that demand reasoned decisionmaking and fair administrative practices. It is incumbent on the President to oversee, constrain, and direct executive agencies and their unelected officials to fulfill the responsibility to “take Care that the Laws be faithfully executed.” As President we urge you to hold federal agencies to the very highest standards of compliance with their obligations of reasoned decisionmaking and fair process.

The reasoned decisionmaking obligation is erected by the right to obtain relief in federal court against agency actions that are arbitrary, capricious, or an abuse of discretion. 5 U.S.C. § 706. This requires that an agency must “examine the relevant data and articulate a satisfactory explanation for its action, including a rational connection between the facts found and the choice made.” *Motor Veh. Mfrs. Ass’n v. State Farm Ins.*, 463 U.S. 29, 43 (1983) (quotation omitted). An agency action runs afoul of the reasoned decisionmaking obligation if the agency has “relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Id.*

Enforcement of the reasoned decisionmaking obligation is an essential check on agencies that lack the inherent assurances of fulsome deliberation built into the legislative process. Indeed, two of the classic examples of agencies failing to comply with the reasoned decisionmaking obligation are agencies ignoring significant costs and drawbacks of their actions and agencies ignoring superior alternatives. Legislatures with competing parties and ambitious members can avoid such myopic dysfunction. Without these features, executive agencies are unfortunately and consistently prone to narrow-minded decisionmaking.

In fact, agencies in prior Administrations have even engaged in tactics that dramatically increase the odds that they fail to consider all of the costs and potential alternatives when they issue new regulations, welcoming lawsuits from private groups in order to settle them with agreements to act by deadlines that guarantee that the agency's decisionmaking process will be shortchanged as a result. We will accordingly be on guard against any potentially abusive uses of this "sue and settle" strategy.

When Presidents do not take care to ensure that executive agencies live up to their obligation of reasoned decisionmaking, the task often falls to us as State Attorneys General to challenge their actions in court. While we would rather you keep agencies from running amok in the first place, we will not hesitate to step up to the plate when our States are harmed by agency malfeasance.

* * *

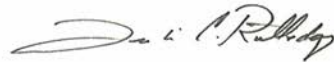
In your Inaugural Address, you declared that "[h]istory, faith, and reason show the way, the way of unity" and "without unity, there is no peace, only bitterness and fury." We are concerned, however, that your first week as President appears to indicate your Administration may be following the unfortunate path of executive unilateralism. We respectfully submit that unity requires more restraint, cooperation, and consensus than the first days of your Administration have demonstrated. A measured approach is all the more critical in a time when the American people are reeling from a pandemic and economic crisis. We earnestly hope that the actions of your Administration will better live up to words of your Inaugural Address and better meet the moment going forward.

Thank you for your time and consideration.

Sincerely,



Patrick Morrisey
West Virginia Attorney General



Leslie Rutledge
Arkansas Attorney General



Todd Rokita
Indiana Attorney General



Lynn Fitch
Mississippi Attorney General



Austin Knudsen
Montana Attorney General



Ken Paxton
Texas Attorney General

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

SUZANNE P. CLARK
PRESIDENT

1615 H STREET, NW
WASHINGTON, DC 20062
SCLARK@USCHAMBER.COM

February 8, 2021

TO THE MEMBERS OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS:

The U.S. Chamber of Commerce applauds the Committee for holding last week's hearing to consider the nomination of Michael Regan to be Administrator of the U.S. Environmental Protection Agency (EPA). We support his nomination and urge his swift confirmation.

Mr. Regan has extensive experience working on complex environmental challenges, most recently serving as Secretary of the North Carolina Department of Environmental Quality and earlier as an air quality and energy policy expert with both the private sector and the EPA. He is well qualified to lead an organization as large and complex as the EPA, and his record as a thoughtful leader and consensus builder will serve him well in this role.

Mr. Regan's history of working collaboratively with the business community and other critical stakeholders demonstrates an opportunity to improve environmental quality and develop innovative solutions for a broad range of environment and public health challenges. We are committed to such a collaborative approach with the EPA under Mr. Regan's leadership. In particular, we look forward to working closely with him and this Committee on issues such as climate change, sustainability, environmental justice, air and water quality, chemical risk management, circularity and recycling, resilient infrastructure, and phasing down the use of hydrofluorocarbons (HFCs).

Thank you for considering Mr. Regan's nomination. We look forward to working with him as EPA Administrator and with the members of this Committee to pursue these important environmental policy priorities.

Sincerely,



Suzanne P. Clark



CREATING GOOD JOBS, A CLEAN ENVIRONMENT, AND A FAIR AND THRIVING ECONOMY

February 2, 2021

The Honorable Charles E. Schumer
Majority Leader
U.S. Senate
Washington, D.C. 20510

The Honorable Mitch McConnell
Minority Leader
U.S. Senate
Washington, D.C. 20510

The Honorable Thomas Carper
Chairman, Senate Committee on
Environment and Public Works
U.S. Senate
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee
on Environment and Public Works
U.S. Senate
Washington, D.C. 20510

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Carper, and Ranking Member Capito:

As a coalition of the nation's largest labor unions and environmental groups, collectively representing millions of members and supporters, the BlueGreen Alliance writes in full support of the nomination of Michael Regan to be the next Administrator of the U.S. Environmental Protection Agency (EPA).

This nomination comes at a critical time for our country. The COVID-19 pandemic has taken its toll and it's nowhere close to done. Months into this pandemic workers continue to struggle to stay safe and healthy on the job and our economy is ravaged. At the same time, we went into this pandemic with three ongoing and closely related additional crises: economic inequality, racial inequality, and climate change. The COVID-19 pandemic has cast a harsh spotlight on just how severe and disproportionate the impacts of these crises are.

The BlueGreen Alliance unites America's largest and most influential labor unions and environmental organizations to solve today's environmental challenges in ways that create and maintain quality jobs and build a stronger, fairer economy. Michael Regan is the right person to take this vision forward as Administrator of the EPA. He can advance the mission of the EPA to protect human health and the environment in ways that address the ongoing health and economic crises, create and sustain good union jobs, and strengthen our communities—all while simultaneously tackling the underlying crises of climate change, economic inequality, and racial injustice.

The next EPA Administrator has the opportunity—and duty—to restore the work of the EPA to protect communities and implement and enforce key protections, like the nation's industrial safety rules that help protect communities, workers, and emergency responders from catastrophic industrial incidents; long-standing safeguards like the Clean Air Act and Clean Water Act, which have protected our environment and public health for decades; critical programs like the Great Lakes Restoration Initiative and Chesapeake Bay program, which protect regional watersheds;

2701 University Ave, SE, Suite 209
Minneapolis, MN 55414

1020 19th Street NW, Suite 600
Washington, D.C. 20036

369 Pine Street, Suite 700
San Francisco, CA 94104

and millions of dollars in critical infrastructure programs—like those that support our nation’s drinking water infrastructure.

Michael Regan is the right person for this job. And he will do all of this in ways that lift up communities and workers and prioritizes investments in workers and communities that need it most—including frontline communities and those workers and regions impacted by energy transition.

We urge you to swiftly confirm this nominee.

Sincerely,



Jason Walsh
Executive Director
BlueGreen Alliance

February 02, 2021

The Honorable Chuck Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Tom Carper
Chairman
Committee on Environment and
Public Works
United States Senate
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment and
Public Works
United States Senate
Washington, DC 20510

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Carper and Ranking Member Capito:

On behalf of our collective millions of members and supporters, we write in full support of the nomination of Michael Regan to be the next Administrator of the Environmental Protection Agency (EPA). Michael Regan's proven track record in advancing common-sense environmental policies and his commitment to environmental justice make him an outstanding candidate to lead EPA and ensure a healthier future for the nation.

Mr. Regan's nomination comes at a critical time for our country as we face serious crises. From climate change, to a pandemic exacerbated by pollution levels weakening respiratory health, this moment calls for decisive action and strong leadership to protect public health and help build an equitable pollution-free economy of the future. At the same time and with the same urgency, leaders must finally address systemic racism and the environmental injustices it creates in communities all around the country. Communities of color have been forced to bear a radically disproportionate health burden from pollution and toxic chemicals as a result of discrimination in housing, economic opportunity and misused infrastructure investment. As the new administration prioritizes equity across its agencies' policies, EPA's leadership will play a key role in addressing these injustices. To do so, the EPA administrator must prioritize clean energy jobs for communities that need them the most, combating the rising impacts of climate change, cleaning up decades of pollution in neglected communities and providing a just transition for areas dependent on fossil fuel jobs.

As North Carolina's top environmental official, Regan has demonstrated that he is up to the task and has the experience to prove it. He has a fundamental respect for science and environmental protection and has shown a talent for engaging diverse interests in collaborative processes that yield strong, durable outcomes—such as negotiating an historic coal ash settlement with Duke Energy. He also has intimate familiarity with PFAS contamination discharged by the chemical giant Chemours, which should serve him well in tackling the PFAS crisis nationally.

Mr. Regan's ability to navigate complicated political questions and to bring people with diverse backgrounds and interests together make him an ideal fit to lead EPA during this critical time as this administration unifies the nation. His background and experience in North Carolina gives him the necessary tools to work with both political parties, other agencies and Congress to address the crises

our country is facing. If confirmed, Mr. Regan will play a central role in protecting public health for all Americans. He is the right person to protect public health, eliminate pollution and help the Biden Administration meet the goals of an equitable and just transition to a clean and prosperous economy. We urge the Senate to swiftly confirm this highly qualified nominee.

Sincerely,

Alabama Rivers Alliance
 Alliance for the Great Lakes
 American Horse Protection Society
 American Rivers
 Amigos Bravos
 Animal Wellness Action
 Animal Wellness Foundation
 Audubon North Carolina
 Black Millennials 4 Flint
 Brighter Green
 Business Forward
 Climate Advocates Voces Unidas
 Center for a Humane Economy
 Center for American Progress
 Center for Biological Diversity
 Clean Air Council
 Clean Water Action
 Connecticut League of Conservation Voters
 Defend Our Future
 Defenders of Wildlife
 Earthjustice
 Endangered Habitats League
 Endangered Species Coalition
 Environment America
 Environment North Carolina
 Environmental Defense Fund
 Environmental Law & Policy Center
 Environmental League of Massachusetts
 Environmental Working Group
 Florida Conservation Voters
 Georgia Conservation Voters
 Greater Portland Sustainability Education Network
 Green The Church
 GreenLatinos
 Healthy Gulf
 Illinois Council of Trout Unlimited
 Impact Hub Salt Lake
 Interfaith Power & Light
 John Muir Project of Earth Island Institute
 League of Conservation Voters
 Maine Conservation Voters

MIT Alumni for Climate Action
Moms Clean Air Force
Mormon Environmental Stewardship Alliance
Mothers & Others For Clean Air
MountainTrue
National Parks Conservation Association
National Wildlife Federation
Natural Resources Council of Maine
Natural Resources Defense Council
NC Sustainable Energy Association
Nevada Conservation League
New Mexico Interfaith Power and Light
New Mexico Sportsmen
North Carolina Business Council
North Carolina Coastal Federation
North Carolina Council of Churches
North Carolina Interfaith Power & Light
North Carolina League of Conservation Voters
Oceana
Ohio Environmental Action Fund
Our Climate Education Fund
PennFuture
Physicians for Social Responsibility
Portland State University
Prairie Rivers Network
ProgressNow Colorado
Rachel Carson Council
Responsible Drilling Alliance
Rio Grande Indivisible, New Mexico
Santa Fe Green Chamber of Commerce
Sierra Club
Southern Alliance for Clean Energy
Southwest Pennsylvania Environmental Health Project
Sustain Charlotte
The Alaska Center
The CLEO Institute
The Conservation Fund
The Trust for Public Land
The Wilderness Society
Union of Concerned Scientists
Virginia League of Conservation Voters
Washington Conservation Voters
Waterkeeper Alliance
Western Environmental Law Center
Western Leaders Network
Wisconsin Conservation Voters



24 E. Franklin Street
 New Freedom, PA 17349
 717-850-3783
support@creationcare.org

February 2, 2021

The Honorable Chuck Schumer, Majority Leader
 The Honorable Mitch McConnell, Minority Leader
 The Honorable Tom Carper, EPW Chair
 The Honorable, John Barrasso, EPW Ranking Member
 The United States Senate
 Washington, DC 20510

Ref: EPA Administration Nominee - Michael Regan

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Carper and Ranking Member Capito:

The Evangelical Environmental Network and its over 4 million Pro-life Christians who have acted to end the multiple threats pollution causes to the health and lives of children, both born and unborn, write in support of Michael Regan as EPA Administrator and urge his immediate confirmation.

As a member of EPA Clean Air Act Advisory, I witnessed over the last four (4) the mission of the EPA to protect public health and the environment be tossed aside in favor of other agendas. It is past time to restore both the mission and integrity of the Environmental Protection Agency. Mr. Regan has the experience and ability to effectively guide the Agency and our Nation out of our current crises.

PM_{2.5} pollution, even before the COVID pandemic, results in an estimated 192,000 individual deaths in the US, and we now know poor air quality exacerbates pandemic deaths, especially in communities of color and low-income communities who have history been forced to live areas of high pollution. Methane pollution from the oil and gas sector is accelerating the pace of climate change and harming the health of our families and communities -- and it is a problem that is only getting worse. Experts warn that without bold action, methane pollution will continue to cause significant harm to public health, threaten the stability of our economy, and compromise the well-being of future generations and the planet.

The challenges are many and the time is short. Mr. Regan's leadership at both the state and Federal levels coupled with his ability to work with regulated industries such as Duke Energy and his respect for science and public health make him the ideal EPA Administrator.

CREATION CARE. IT'S A MATTER OF LIFE

We urge the Senate to quickly confirm Mr. Regan and help to restore the mission and integrity of the Environmental Protection Agency.

Sincerely,

A handwritten signature in dark ink, appearing to read "M. C. Hescox". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

The Rev. Mitchell C. Hescox
President/C.E.O.



February 2, 2021

The Honorable Thomas Carper
Senate Environment and Public Works Committee
Washington, DC 20510

Senator Carper,

On behalf of the Healing Our Waters – Great Lakes Coalition, we write to offer our support for the confirmation of Michael Regan as Administrator of the U.S. Environmental Protection Agency (EPA). At a time when too many communities are living with unsafe water, aging and crumbling water infrastructure, and facing the compounding threat of climate change the EPA must be a strong partner and a national leader in protecting human health—especially our most vulnerable communities. We believe that under Michael Regan’s leadership the agency can do just that.

The Great Lakes are national treasures providing drinking water to more than 30 million Americans, powering the region’s economy, and promoting a healthy, outdoor way of life. These waters are vital to the people of the eight-state region of Ohio, Michigan, Wisconsin, Pennsylvania, Indiana, Illinois, New York, and Minnesota. For decades it has been the mission of the EPA, in collaboration with our communities, to protect our waters from existing and emerging public health and environmental threats. Over the last decade, the agency has overseen an extraordinary regional environmental restoration effort, the Great Lakes Restoration Initiative, that has invested federal funds to clean up toxic pollution, restore fish and wildlife habitat, and confront invasive species. The program is central to protecting and restoring our Great Lakes and is yielding significant environmental, public health, and economic results.

Unfortunately, progress slowed as the previous administration proposed gutting clean water investments and actively sought to dismantle clean water protections that jeopardized the health of millions of people and families. Today legacy pollutants persist, well-known contaminants like lead continue to make drinking water unsafe, emerging contaminants like toxic PFAS are being uncovered, climate change is overwhelming aging infrastructure, and the weakening of clean water protections has hamstrung any federal response. The EPA is in need of new leadership that will make addressing these regional and national issues a priority, reestablishing the federal commitment to clean water.

Mr. Regan is well positioned to be the leader our region and waters need. We believe his role leading the North Carolina Department of Environmental Quality and his previous work gives him the experience to manage EPA and help the agency fulfill its mission to protect human health and the environment, use sound science to protect our waters, and once again safeguard our communities. He is credited with reaching the largest coal-ash clean up settlement in the country and has focused on toxic PFAS cleanups in state rivers, an emerging threat across the Great Lakes region. He was also instrumental in helping North Carolina Governor Roy Cooper

enact his pledge to achieve carbon neutrality by 2050. Importantly, he prioritized environmental justice, a top concern we expect him to carry to EPA's headquarters and embed across the agency's work. His mix of experience will enable him to rebuild trust in the agency and move forward with the steps necessary to protect the waters every community across the nation relies on.

Under Mr. Regan's leadership, we believe the EPA can forcefully and effectively champion clean water priorities that achieve environmental and public health outcomes. We urge the Senate, upon confirmation, to work collaboratively with the new EPA Administrator to make certain that clean and affordable water is available to everyone. Addressing systemic inequities is central to this work as low-income, indigenous, and communities of color have historically borne the brunt of environmental injustice and underinvestment in water infrastructure. Federal leadership and investment are essential to facing the threat of persistent and emerging toxic contamination and the growing water affordability crisis that, if not addressed, by 2022 will leave 1-in-3 Americans at risk of water bills they cannot afford to pay.

Thankfully, over the past decade we have seen real progress towards restoring and protecting the Great Lakes and our communities – the type of progress that is only possible with a commitment to clean water from both the EPA and U.S. Congress. Thousands of projects through the Great Lakes Restoration Initiative and federal water infrastructure investments are putting local people to work across the region cleaning up toxic sediments, stopping the spread of invasive species, preventing pollution from running off farm fields and city streets and into our waterways, fixing aging infrastructure, and curbing sewer overflows. Even with these accomplishments, serious threats remain and there is much work to do. Moreover, the changing climate is exacerbating the threats facing the region and we must ensure our restoration efforts are equitable so that our most vulnerable and underserved communities benefit from restoration investments.

We are pleased to offer our support to Mr. Regan, and we look forward to working with him to strengthen the federal partnership integral to protecting the Great Lakes. The Senate must quickly act on this nomination and move forward with its work, providing the resources needed to empower the EPA to invest in our communities and ensure all have access to clean water. We cannot afford to slow down; we must accelerate action. The longer we wait, the more difficult and expensive the solutions will become. If you have any questions, please reach out to our Coalition's Policy Director, Chad Lord, at (202) 257-4365 or clord@npca.org.

Sincerely,

Molly Flanagan
COO
Alliance for the Great Lakes

Marnie Urso
Policy Director
Audubon Great Lakes

Gary Belan
Senior Director, Clean Water Supply
Program
American Rivers

Ann Mesnikoff
Federal Legislative Director
Environmental Law & Policy Center

Rebecca Fedewa
Executive Director
Flint River Watershed Coalition

Liz Kirkwood
Executive Director
For Love of Water (FLOW)

Sr. Rose Therese Nolte, SSsP
Justice and Peace Coordinator
Holy Spirit Missionary Sisters - USA-JPIC

Edward L Michael
Government Affairs Chair
Illinois Council of Trout Unlimited

Iyana Simba
Clean Water Policy Director
Illinois Environmental Council

Charlie Palmgren
Illinois Division President
Izaak Walton League of America

Cheryl Nenn
Riverkeeper
Milwaukee Riverkeeper

Steve Morse
Executive Director
Minnesota Environmental Partnership

Marc Smith
Policy Director
National Wildlife Federation

Maryanne Adams
Conservation Chair
Onondaga Audubon

Irene Senn
Coordinator
Religious Coalition for the Great Lakes

John Peach
Executive Director
Save The River Upper St Lawrence
Riverkeeper

Deborah Fumagalli, OSF
Justice and Peace Coordinator
School Sisters of St. Francis

Bowden Quinn
Director
Sierra Club Hoosier Chapter

Christy L McGillivray
Political and Legislative Director
Sierra Club Michigan Chapter

Diane Lembck
Wisconsin Metro Audubon Society



February 3, 2021

The Honorable John Barrasso
 Environment and Public Works
 U.S. Senate
 410 Dirksen Senate Office Building
 Washington, DC 20510

The Honorable Tom Carper
 Environment and Public Works
 U.S. Senate
 456 Dirksen Senate Office Building
 Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

On behalf of PeopleForBikes, we would like to express our support for President Biden's nominee for the Administrator of the Environmental Protection Agency, Michael Regan. Given his experience and expertise, we hope this nomination will move swiftly through your committee.

The PeopleForBikes Coalition is the national trade association representing companies that manufacture and distribute bicycles, bicycle parts and bicycle accessories. Nationwide, PeopleForBikes represents nearly 300 bicycle businesses and more than 7,000 retailers. The PeopleForBikes Foundation is supported by 1.4 million individuals. The U.S. bicycle industry contributes \$88 billion annually to our economy and employs more than 780,000 Americans.

What the bicycle industry has long known to be true is now growing in popularity in cities and legislatures across the country: bicycles are part of a broader climate solution. Americans are increasingly choosing bicycles to meet their transportation needs, and electric bicycles have the unique power to replace car trips and carbon emissions with convenience and ease.

As head of the EPA, Mr. Regan will have to contend with the national climate crisis and its many unequally distributed symptoms: pollution and poor air quality in black and minority communities, rising carbon emissions from the transportation sector, and unequal access to green spaces and the outdoors. Prioritizing bicycles and electric bicycles, alongside clean transportation infrastructure, are critical steps to displacing car trips and emissions while keeping communities connected and active.

We will support this administration as we have others, with research, data and a willing partnership in the fight against climate change. Please look to our members to testify on the environmental, health and economic benefits of increased bicycle ridership.

We look forward to working with this committee and the EPA to prioritize bicycles as a simple solution when considering climate policy. The bike industry stands ready to help.

Thank you for your consideration.

Sincerely,

Noa Banayan, federal affairs manager
 PeopleForBikes



February 1, 2021

United States Senator
Washington, DC 20510

Dear Senator:

Since 1919, the National Parks Conservation Association (NPCA) has been the leading voice of the American people in protecting and enhancing our National Park System. On behalf of our nearly 1.4 million members and supporters nationwide, we urge you to support the nomination of Michael Regan as Administrator of the U.S. Environmental Protection Agency.

Our national parks are symbols of conservation, historic preservation and our shared heritage. In the last four years, as we witnessed weakened protection for cultural resources, wildlife, air and waterways, the highest level of protection was not afforded to these incredible places. We can and must do better. The Biden-Harris Administration must address climate change head-on, ensure the federal government – and the park system – is welcoming to diverse communities and reverse damaging policies that put at risk the water, air, wildlife and other resources that make our parks world-renowned.

No other federal agency outside the park service itself has as much role to play in protecting the air and water of our national parks as the U.S. EPA. The agency's actions, which must be guided by the best science, help ensure that all Americans have clean air to breathe, clean water in which to fish and swim and safe, affordable water to drink. The agency also leads our nation's effort to address the greatest threat facing our parks: our warming climate.

EPA has overseen progress in protecting and restoring our environment. Even with these results, our nation's air and water remains degraded and too many areas of the country need to be protected and restored. Additionally, far too many Black, Latino, Indigenous and other people of color continue to bear the disproportionate brunt of our nation's pollution, including the impacts of climate change. Any new EPA leader must tackle these issues head on by acting in the public interest and in accordance with nation's environmental laws to protect public health and our environment.

Mr. Regan is well positioned to be that fair and measured leader. We believe his role leading the North Carolina Department of Environmental Quality and his previous work gives him the experience to manage EPA as an administrator who will fulfill the intent of its mission and once again use sound science to protect our park air and water and safeguard our communities. He is credited with reaching the largest coal-ash clean up settlement in the country and has focused on PFAS cleanups in state rivers. Importantly, he prioritized environmental justice, a top concern we expect him to carry to EPA's headquarters. He was also instrumental in helping North Carolina Governor Roy Cooper

Headquarters
777 6th Street, NW, Suite 700
Washington, DC 20001
P 202.NAT.PARK | 800.628.7275

[NPCA.org](https://www.npca.org)

enact his pledge to achieve carbon neutrality by 2050. His mix of experience also enables him to rebuild trust in the agency and move forward with the steps necessary to protect human health and the environment in every community across the nation.

EPA plays an important role in protecting and preserving the stories our parks tell. We look forward to working with Mr. Regan to ensure the best future for our national parks. Please contact Chad Lord, senior director for water policy at 202.257.4365 or clord@npca.org with questions.

Sincerely,



Theresa Pierno
President & CEO

February 8, 2021

U.S. Senate
Washington, DC 20510

Dear Senator:

As faith leaders we value justice, ecological stewardship and the common good. We were heartened that President Biden has made some early actions in his first days of office to make addressing climate change with an eye towards environmental justice a priority.

Michael Regan's nomination to head of the Environmental Protection Agency (EPA) is a strong signal that addressing the climate crisis is fundamental to President Biden. If we are to see the United States fulfill its responsibilities in the fight against the climate crisis, we need a robust EPA led by an Administrator who is both dedicated and experienced.

Regan has spent his career working to protect the environment, giving him the experience to run the EPA in a way that will safeguard human health. Our communities around the country value clean air and water and know that healthy communities center around healthy ecosystems.

The confirmation of Regan as the Administrator of EPA will allow the agency to reaffirm and reset its focus on EPA's core mission: "protecting human health and the environment." It also ensures that President Biden's climate and environmental policies are centered on justice and equity. As an EPA veteran with experience advancing environmental justice, we are hopeful that Michael Regan will ensure that justice and equity is woven into the entire framework of EPA's work.

Confirming Michael Regan will allow the agency to work robustly to protect human health and enable all communities to thrive. We express our resounding support for Michael Regan and urge you to swiftly confirm his nomination.

Sincerely,

Rabbi Katy Z. Allen
Founder
Ma'yan Tikvah: A Wellspring of Hope

Rev. Nazell Alston
Alexandria, Virginia

Rev. Neddy Astudillo
Eco-theologian
Tampa, Florida

Bishop Carroll A. Baltimore
Global Interfaith Alliance

LeeAnne Beres
Executive Director
Earth Ministry/Washington Interfaith Power & Light

Anne D Burt, Religious Society of Friends
Midcoast Friends Meeting
Damariscotta, Maine

Rabbi Nina Beth Cardin
Baltimore County, Maryland

Rev. Canon Peg Chamberlin
former President, National Council of Churches

Emma Childs
Sustainability & Eco-Justice Coordinator
Member of Circle of Mercy Congregation
Christmount Assembly
Black Mountain, North Carolina

Rev. Carol L Devine
Minister Green Chalice
Lexington, Kentucky

Rev. Susan Hendershot
Interfaith Power & Light
Washington, DC

Rev. Laticia Hill Godette
Greenville, North Carolina

Sue Inches
First Parish Church
Yarmouth, Maine

Rev. Rich Killmer
Yarmouth, Maine

Rabbi Moshe Givental
West Bloomfield, Michigan
Rev. Dr. Bill Gregory
Yarmouth, Maine

Rabbi Rachel Kahn-Troster
Deputy Director
T'ruah: The Rabbinic Call for Human Rights

New York, New York

Rabbi Gilah Langner
Washington, DC

Rev. Dr. Ken Brooker Langston
Executive Director
Disciples Center for Public Witness

Rabbi Deborah Diana Lynn
Washington, DC

Rev. Sarah Wells Marcias
Pastoralist and Theologian
Sister Grove Farm
Van Alstyne, Texas

Rabbi Richard Marker
International Jewish Committee of Interreligious Consultation
Bethesda, Maryland

Rabbi Nathan Martin
Congregation Beth Israel of Media
Media, Pennsylvania

Rev. Mark Meeks
Minister
Capitol Heights Presbyterian Church
Denver, Colorado

Rabbi Fred Scherlinder Dobb
Adat Shalom Reconstructionist Congregation
Bethesda, Maryland

Rabbi Daniel Swartz
Executive Director
Coalition on the Environment and Jewish Life

Dennis Testerman
Moderator
Presbyterians for Earth Care
Stewardship of Creation Enabler, Presbytery of Charlotte

Rabbi Micah Weiss
Tikkun Olam Specialist
Reconstructing Judaism

Philadelphia, Pennsylvania

Rev. Kim P. Wells

Pastor

Lakewood United Church of Christ

St. Petersburg, Florida

Senator CARPER. And let me just say again, thank you so much. You have been a splendid Chairman.

Senator CAPITO. However brief it is.

[Laughter.]

Senator CARPER. There is nothing like going out on top.

Senator CAPITO. Right.

Senator CARPER. You just knocked the ball out of the park, it makes me even more excited about working with you and our colleagues in the years to come.

Mr. REGAN, Michael, you did a great job here today. We are proud of you. I could barely see your wife's lips move when you spoke. We very much welcome her and your son, Matthew, to our family. Hopefully, we will be able to convince all of our colleagues to vote for you and get you confirmed so you can go to work.

Thank you so much. God bless you.

Mr. REGAN. Thank you.

Senator CAPITO. Thank you.

I have just a few wrap up questions for my second round.

I told you at the end of my first round that I wanted to go back and talk about your experience in North Carolina with the regulations under Section 111(d) of the Clean Air Act, including the Clean Air Plan and the ACE Rule. You talked slightly about this.

Do you believe that Section 111(d) of the Clean Air Act provides the EPA with authority to regulate greenhouse gases from a power plant only inside the fence line, or can EPA regulate beyond the individual plant fence line? How do you feel about that?

Mr. REGAN. I would love to confer with my staff and with legal counsel to best determine how the courts have ruled on EPA's interpretation of that.

Senator CAPITO. As you know, the courts have kind of been on both sides of that issue. I think it would make a determination to whether you could force a power plant to switch generation sources and only require say, a coal plant or natural gas plant to come up with best practices. So it does have great impacts, obviously, in certain parts of the country and certainly in my State as well.

Senator Gillibrand mentioned PFAS. You and I talked about this on the phone. I am very passionate about this issue, very concerned about the impacts of PFAS in the long term. I did press Administrator Wheeler to get to a clean drinking water standard, didn't get there. I agree with her, it didn't come, there is a pathway toward it. But I am like minded with her in terms of the restlessness of getting there and the delay. So I would impress upon you how important I think that is to our Nation and to our Nation's younger, as they are living through the impacts of what this could have on drinking water.

So I would just ask a pledge to keep working with me and us on that.

Mr. REGAN. Absolutely.

Senator CAPITO. The last thing I would say is, and to Senator Carper, thank you for letting me have the joy of chairing my one Committee hearing here. I know we are going to be able to work well together, and we anxious to go to the Transportation Bill.

But what I hear Senator Carper talk about electric vehicles, I think that is very aspirational. I saw where the President said he

wants all thorough vehicles to be electric. And I think that is a great aim.

But we have to realize here, we have to power these things with electricity. If we disenfranchise a lot of the power sources that we can make cleaner in the process, I am talking natural gas and coal, that now provides our baseline fuel, I mean our baseline power here in this country, we are going to stick the plug in and try to power the vehicle and there is not going to be enough power. It is going to be a power surge in this country if we get to this point of having electric vehicles.

So at some point we really have to look at, and we see certain States like California that have had outages, and have had to throttle different power sources because they are running low on a really hot day or maybe a really cold day or something of that nature.

So I will just say in West Virginia we say coal keeps the lights on, which it does, but it also powers a lot of vehicles, and it employs a lot of people. So again, when we talk about what the effects are of transitioning jobs and environmental justice, and how it impacts people in all different communities, and Senator Booker is very passionate in this area, I think the experience that I experienced with the 1.8 million West Virginians in the past several years during the Obama administration where now we see some of the same players, not you, you are a fresh face, very transparent, very ready to work, and I really welcome that.

Because I am concerned, because some of the same words and the same rhetoric was given to us, we are going to take care of you, we are going to retrain workers, they are going to learn to code, they are going to move, they are going to do this, they are going to do that, and we just got dropped on our heads.

It really, really hurt our part of the country. I am sure you have seen some of that in certain parts of North Carolina in different industries.

So I just am hoping, I am hoping, and I am an optimistic person, so maybe I am even hoping toward believing, but I am hoping that it is not just another committee that is going to give the State \$2 million to have a committee meeting so we can figure out how we are going to make things better and then nothing ever happens and no change ever occurs.

So I want to be your partner in this. I want to be able to join with you and the rest of the members of the Senate, but particularly those hard hit areas. Because it has been very, very difficult to try to rebound from.

So with that, I would say, unless you wanted to make a comment, I would say we are about to wrap up.

Senator CARPER. Madam Chair, before we wrap up?

Senator CAPITO. Yes.

Senator CARPER. One last thing. For a long time, Delaware did not use, when I was Governor, we didn't use the Economic Development Administration. We didn't use EDA. As it turns out, we didn't have, we hadn't produced the kind of comprehensive economic development plan that EDA was looking for in order to make us eligible to apply for grants.

One of the grants we obtained from EDA about a year or 2 ago was to enable, to take money raised by, believe it or not, auto dealers, by our poultry processors, an EDA grant. The idea was to work with our statewide community college, Delaware Technical Community College, to create something, a center for automotive excellence. We now have in southern Delaware, in our county seat of Georgetown, a Delaware Technical Community College, top of the line to attract and retain folks to work for auto dealers, vehicles of the future, do the maintenance work, to work for the poultry industry trucks and so forth. But we did it with the help of the EDA, and we worked with our community college.

I think there is something there in terms of retraining and retooling, we have jurisdiction over EDA.

Senator CAPITO. Right. That is the good news.

Senator CARPER. We have jurisdiction. And the Biden proposal, Build Back Better, they asked for \$3 billion—\$3 billion for the EDA. We have never done more than about \$300 million in a year. Three billion dollars is a huge amount of money. I think there is a chance to partner in a more creative way to help meet the skill sets and needs in the marketplace, but also that a lot of folks, if given the opportunity to use or learn a new skill, they do it. And they are doing it, we are signed up fully at the Center for Automotive Excellence in Georgetown.

Senator CAPITO. Well, I look forward to the EDA discussion. I think that we have used the EDA actually really well in West Virginia most recently on a lot of different infrastructure development and job training and development. So I do think it has a place because it is for underserved and unserved areas. So I look forward to working with you on that.

I just want to really thank you. You have been an excellent witness. You have answered questions with a lot of honesty, and your promise to get back to people is very much appreciated.

I think there are no more questions. Members may submit follow up written questions for the record. They are called QFRs here. And by 4 p.m. on Friday, February 5th, the nominee, I would ask Secretary Regan to respond to these questions by 10 a.m. on Monday, February the 8th. So there goes your weekend.

I would like to thank Secretary Regan for your time and testimony, and thank your beautiful family for being here with us.

I wish you the best of luck.

Mr. REGAN. Thank you so much.

Senator CAPITO. Thank you.

We are adjourned.

[Whereupon, at 4:56 p.m., the hearing was adjourned.]